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**SUPREME COURT  
THIRD DIVISION**

**JOHNSON AND JOHNSON LABOR  
UNION-FFW, DANTE MORANTE,  
MYRNA OLOVEJA AND ITS OTHER  
INDIVIDUAL UNION MEMBERS,  
*Petitioners,***

***-versus-***

**G.R. No. 76427  
February 21, 1989**

**DIRECTOR OF LABOR RELATIONS,  
AND OSCAR PILI,  
*Respondents.***

X-----X

**DECISION**

**GUTIERREZ, JR., J.:**

The sole issue in this Petition for Review on *Certiorari* is whether or not the public respondent committed grave abuse of discretion in ruling that the private respondent is entitled to the financial aid from the compulsory contributions of the petitioner-union afforded to its members who have been suspended or terminated from work without reasonable cause.

The provision for the grant of financial aid in favor of union member is embodied in the petitioner-union's Constitution and By-laws, Article XIII, Section 5, of which reads:

“A member who have (sic) been suspended or terminated without reasonable cause shall be extended a financial aid from the compulsory contributions in the amount of SEVENTY FIVE CENTAVOS (Po.75) from each member weekly.” (p. 18, Rollo).

On May 6, 1985, the private respondent, a member of the petitioner-union was dismissed from his employment by employer Johnson & Johnson (Phil.) Inc., for non-disclosure in his job application form of the fact that he had a relative in the company in violation of company policies.

On July 1985, a complaint was filed by the private respondent against the officers of the petitioner-union docketed as NRC-LRD-M-7-271-85 alleging, among others, that the union officers had refused to provide the private respondent the financial aid as provided in the union constitution despite demands for payment thereof. The petitioner-union and its officers counter-alleged, in their answer, that the said financial aid was to be given only in cases of termination or suspension without any reasonable cause; that the union's executive board had the prerogative to determine whether the suspension or termination was for a reasonable cause or not; and that the union, in a general membership meeting, had resolved not to extend financial aid to the private respondent.

While the grievance procedure as contained in the union's collective bargaining agreement was being undertaken, the private respondent, on August 26, 1985, filed a case for unfair labor practice and illegal dismissal against his employer docketed as NLRC-NCR Case No. 6-1912-85.

On September 27, 1985, Med-Arbiter Anastacio L. Bactin issued an order dismissing for lack of merit the complaint of the private respondent against the petitioners for alleged violation of the union constitution and by-laws.

On appeal, the then public respondent Director Cresenciano B. Trajano, on April 17, 1986, rendered the decision assailed in this petition. The dispositive portion of the said decision reads:

“WHEREFORE, premises considered, the appeal of complainant Oscar Pili is hereby granted and the Order appealed from is hereby set aside. Appellees, therefore, are hereby ordered to pay the complainant the sum of P0.75/week per union member to be computed from the time of the complainant’s termination from employment to the time he acquired another employment should his complaint for illegal dismissal against the company be resolved in his favor; provided, that if his complaint against the company be dismissed, appellees are absolved from paying the complainant anything.” (p. 115, Records)

Both parties moved for reconsideration. The petitioners reiterated that since the private respondent’s termination was for a reasonable cause, it would be unjust and unfair if financial aid were to be given in the event that the latter’s case for illegal dismissal is decided against him. The private respondent, on the other hand, prayed for the amendment of the dispositive portion in order that the grant financial aid be made without any qualifications.

On June 16, 1986, a Manifestation and/or Opposition to the Motion for Reconsideration filed by the petitioners was filed by the private respondent stating that he was being discriminated against considering that one Jerwin Taguba, another union member, was terminated for dishonesty and loss of confidence but was granted financial aid by the petitioners while Taguba’s complaint against the company was still pending with the National Labor Relation Commission.

The public respondent separately resolved the above motions. On June 26, 1986, an order was issued denying the petitioners’ motion for reconsideration. On August 19, 1986, the public respondent modified its decision dated April 17, 1986 and its aforesaid order as follows:

“Considering that complaint Pili is similarly situated as Jerwin Taguba coupled with the need to obviate any discriminating treatment to the former, it is only just and appropriate that our Decision dated 17 April 1986 be modified in such a manner that respondents immediately pay the complainant the sum of P0.75/week per union member to be computed from the time of his dismissal from the company, without prejudice to refund of the amount that shall be paid of Pili in the event the pending case is finally resolved against him.

“WHEREFORE, and as above qualified, this Bureau’s Decision dated 17 April 1986 and the Order dated 26 June 1986 are hereby modified to the extent that the respondents are directed to immediately pay complainant the sum of P0.75/week per union member to be computed from the time of his termination from his employment until his case against the employer company shall have been finally resolved and/or disposed.” (p. 53, Rollo).

Meanwhile, on July 25, 1986, a motion for issuance of a writ of execution was filed by the private respondent in order to collect from the petitioners the amount of financial aid to which the former was entitled.

On September 1, 1986, the petitioners moved for a reconsideration of the public respondent’s resolution date August 19, 1986 on the grounds that Taguba’s affidavit cannot support the private respondent’s claim that he is also entitled to the financial aid provided in the union’s constitution and that the union cannot be compelled to grant the said aid in the absence of a special fund for the purpose.

On October 28, 1986, the public respondent through Director Pura Ferrer-Calleja denied the petitioners’ motion for reconsideration stating that Article XIII, Section 5 of the union’s constitution and by-laws does not require a special fund so that all union members similarly situated as the private respondent must be entitled to the same right and privilege regarding the grant of financial aid as therein provided.

On December 18, 1986, a writ of execution was issued by the public respondent in the following tenor:

“NOW THEREFORE, you are hereby directed to proceed to the premises of Johnson and Johnson (FFW) located at Edison Road, Bo. Ibayo, Parañaque, Metro Manila to collect from the said union through its Treasure, Myrna Oloveja or to any responsible officer of the union the amount of Twenty Thousand Five Hundred Twenty Pesos (P20,520.00), more or less representing financial assistance to complainant under the union’s constitution and by-laws. In case you fail to collect said amount in cash, you are to cause the satisfaction of the same on the union’s movable or immovable properties not exempt from execution. You are to return this writ within fifteen (15) days from your compliance hereby together with your report thereon. You may collect your legal fees from the respondent union.” (p. 55, Rollo)

On December 24, 1986, the instant petition was filed with prayer for a preliminary injunction. The temporary restraining order issued by the Chief Justice on December 24, 1986 was confirmed in our resolution dated January 7, 1987.

The grounds relied upon by the petitioner are as follows:

- A — THAT THE DECISION/ORDER IN QUESTION IS CONTRARY TO LAW.
- B — THAT RESPONDENT OFFICIAL ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION.
- C — THAT WITH RESPECT TO PETITIONING MEMBERS, THEY HAVE BEEN DEPRIVED OF THEIR CONSTITUTIONAL RIGHT TO DUE PROCESS OF LAW. (P. 13, Rollo).

We find unmeritorious the contention of the petitioners that the questioned decision and order are contrary to law for being tantamount to compelling the union of disburse it funds without the

authority of the general membership and to collect from its members without the benefit of individual payroll authorization.

Section 5, Article XIII of the petitioner-union's constitution and by-laws earlier aforementioned is self-executory. The financial aid extended to any suspended or terminated union member is realized from the contributions declared to be compulsory under the said provision in the amount of seventy-five centavos due weekly from each union member. The nature of the said contributions being compulsory and the fact that the purpose as stated is for financial aid clearly indicated that individual payroll authorizations of the union members are not necessary. The petitioner-union's constitution and by-laws govern the relationship between and among its members. As in the interpretation of contracts, if the terms are clear and leave no doubt as to the intention of the parties, the literal meaning of the stipulations shall control. (See *Government Service Insurance System vs. Court of Appeals*, 145 SCRA 311 [1986]). Section 5, Article XIII of the said constitution and by-laws is in line with the petitioner-union's aims and purposes which under Sec. 2, Article II include.

“To promote, establish and devise schemes of mutual assistance among the members in labor disputes.”

Thus, there is no doubt that the petitioner-union can be ordered to release its funds intended for the promotion of mutual assistance in favor of the private respondent.

We likewise find untenable the argument of the petitioners that the public respondent, in granting financial aid to the petitioner-union to do otherwise and that in so doing, the public respondent gravely abused its discretion amounting to lack of jurisdiction. The union constitution is a covenant between the union and its members and among the members. There is nothing in their constitution which leaves the legal interpretation of its terms unilaterally to the union or its officers or even the general membership. It is noteworthy to quote the ruling made by the public respondent in this respect, to wit:

“The union constitution and by-laws clearly show that any member who is suspended or terminated from employment without reasonable cause is entitled to financial assistance from

the union and its members. The problem, however, is that the constitution does not indicate which body has the power to determine whether a suspension or dismissal is for reasonable cause or not. To our mind, the constitution's silence on this matter is a clear recognition of the labor arbiter's exclusive jurisdiction over dismissal cases. After all, the union's constitution and by-laws is valid only insofar as it is not inconsistent with existing laws." (BLR decision, p. 2; p. 115, Records).

An aggrieved member has to resort to a government agency or tribunal. Considering that quasi-judicial agencies like the public respondent's office have acquired expertise since their jurisdiction is confined to specific matter, their findings of fact in connection with their rulings are generally accorded not only respect but at times even finality if supported by substantial evidence. (See *Manila Mandarin Employees Union vs. National Labor Relations Commission*, 154 SCRA 368 [1987]) *Riker vs. Ople*, 155 SCRA 85 [1987]; and *Palencia vs. National Labor Relations Commission*, 153 SCRA 247 [1987]. We note from the records that the petitioners have conflicting interpretations of the same disputed provision — one in favor of Jerwin Taguba and another against the private respondent.

On the ancillary issue presented by the petitioners whether or not the petitioning union members have been deprived of their right to due process of law because they were never made parties to the case under consideration, we rule that the fact that the union officers impleaded since the inception of the case acted in a representative capacity on behalf of the entire union's membership substantially meets the requirements of due process with respect to the said union members. Moreover, the complaint filed against the union involves the interpretation of its constitution favoring an aggrieved member. The members are bound by the terms of their own constitution. A suit to enforce a union constitution does not have to be brought against each individual member, especially where several thousand members form the membership. If there is any violation of the right to due process in the case at bar it is as regards the private respondent since the petitioners-union has dispensed with due process in deciding not to extend financial aid to the private respondent in the absence yet at

a ruling by the labor arbiter on whether his dismissal was for a reasonable cause or not.

The remedy of the petitioners is to strike out or amend the objectionable features of their constitution. They cannot expect the public respondent to assist them in its non-enforcement or violation.

**WHEREFORE, PREMISES CONSIDERED**, the instant petition is hereby **DISMISSED** in the absence of a showing of grave abuse of discretion on the part of the public respondent. The decision of the public respondent dated April 17, 1986 as modified in a resolution dated August 17, 1986 is **AFFIRMED**. The temporary restraining order issued by the Court on December 24, 1986 is **SET ASIDE**.

**SO ORDERED.**

**Fernan, C.J., Feliciano, Bidin and Cortes, JJ., concur.**