

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT
FIRST DIVISION**

**KAPATIRAN SA MEAT AND CANNING
DIVISION (TUPAS Local Chapter No.
1027),**

Petitioner,

-versus-

**G.R. No. 82914
June 20, 1988**

**THE HONORABLE BLR DIRECTOR
PURA FERRER CALLEJA, MEAT AND
CANNING DIVISION UNIVERSAL
ROBINA CORPORATION and MEAT
AND CANNING DIVISION NEW
EMPLOYEES AND WORKERS UNITED
LABOR ORGANIZATION,**

Respondents.

X-----X

RESOLUTION

GRÑO-AQUINO, J.:

The petitioner, Kapatiran sa Meat and Canning Division (TUPAS Local Chapter No. 1027) hereinafter referred to as "TUPAS," seeks a review of the Resolution dated January 27, 1988 (Annex D) of Public respondent Pura Ferrer-Calleja, Director of the Bureau of Labor Relations, dismissing its appeal from the Order dated November 17,

1987 (Annex C) of the Med-Arbiter Rasidali C. Abdullah ordering a certification election to be conducted among the regular daily paid rank and file employees/workers of Universal Robina Corporation-Meat and Canning Division to determine which of the contending unions:

- a) Kapatiran sa Meat and Canning Division TUPAS Local Chapter No. 1027 (or “TUPAS” for brevity);
- b) Meat and Canning Division New Employees and Workers United Labor Organization (or “NEW ULO” for brevity);
- c) No Union.

shall be the bargaining unit of the daily wage rank and file employees in the Meat and Canning Division of the company.

From 1984 to 1987 TUPAS was the sole and exclusive collective bargaining representative of the workers in the Meat and Canning Division of the Universal Robina Corporation, with a 3-year collective bargaining agreement (CBA) which was to expire on November 15, 1987.

Within the freedom period of 60 days prior to the expiration of its CBA, TUPAS filed an amended notice of strike on September 28, 1987 as a means of pressuring the company to extend, renew, or negotiate a new CBA with it.

On October 8, 1987, the NEW ULO, composed mostly of workers belonging to the IGLESIA NI KRISTO sect, registered as a labor union.

On October 12, 1987, the TUPAS staged a strike. ROBINA obtained an injunction against the strike, resulting in an agreement to return to work and for the parties to negotiate a new CBA.

The next day, October 13, 1987, NEW ULO, claiming that it has “the majority of the daily wage rank and file employees numbering 191,” filed a petition for a certification election at the Bureau of Labor Relations (Annex A).

TUPAS moved to dismiss the petition for being defective in form and that the members of the NEW ULO were mostly members of the Iglesia ni Kristo sect which three (3) years previous refused to affiliate with any labor union. It also accused the company of using the NEW ULO to defeat TUPAS' bargaining rights (Annex B).

On November 17, 1987, the Med-Arbiter ordered the holding of a certification election within 20 days (Annex C).

TUPAS appealed to the Bureau of Labor Relations (BLR). In the meantime, it was able to negotiate a new 3-year CBA with ROBINA, which was signed on December 3, 1987 and to expire on November 15, 1990.

On January 27, 1988, respondent BLB Director Calleja dismissed the appeal (Annex D).

TUPAS' motion for reconsideration (Annex E) was denied on March 17, 1988 (Annex F). On April 30, 1988, it filed this petition alleging that the public respondent acted in excess of her jurisdiction and with grave abuse of discretion in affirming the Med-Arbiter's order for a certification election.

After deliberating on the petition and the documents annexed thereto, We find no merit in the petition. The public respondent did not err in dismissing the petitioner's appeal in BLR Case No. A-12-389-87. This Court's decision in *Victoriano vs. Elizalde Rope Workers' Union*, 59 SCRA 54, upholding the right of members of the IGLESIA NI KRISTO sect not to join a labor union for being contrary to their religious beliefs, does not bar the members of that sect from forming their own union. The public respondent correctly observed that the "recognition of the tenets of the sect should not infringe on the basic right of self-organization granted by the constitution to workers, regardless of religious affiliation."

The fact that TUPAS was able to negotiate a new CBA with ROBINA within the 60-day freedom period of the existing CBA, does not foreclose the right of the rival union, NEW ULO, to challenge TUPAS' claim to majority status, by filing a timely petition for certification

election on October 13, 1987 before TUPAS' old CBA expired on November 15, 1987 and before it signed a new CBA with the company on December 3, 1987. As pointed out by Med-Arbiter Abdullah, a "certification election is the best forum in ascertaining the majority status of the contending unions wherein the workers themselves can freely choose their bargaining representative thru secret ballot." Since it has not been shown that this order is tainted with unfairness, this Court will not thwart the holding of a certification election (Associated Trade Unions [ATU] vs. Noriel, 88 SCRA 96).

WHEREFORE, the Petition for *Certiorari* is **DENIED**, with costs against the petitioner.

SO ORDERED.

Narvasa, Cruz, Gancayco and Medialdea, JJ., concur.