

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT  
SECOND DIVISION**

**LITEX EMPLOYEES ASSOCIATION,  
*Petitioner,***

***-versus-***

**G.R. No. L-41106  
September 22, 1977**

**GEORGE A. EDUVALA, in his capacity  
as Officer-In-Charge, BUREAU OF  
LABOR RELATIONS Department of  
Labor and FEDERATION OF FREE  
WORKERS (F.F.W.),**

***Respondents.***

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**DECISION**

**FERNANDO, J.:**

In this certiorari and prohibition proceeding, what is sought to be nullified is an order of respondent George A. Eduvala, the then Officer-in-Charge of the Bureau of Labor Relations, requiring that a referendum election be held among the members of the Litex Employees Association, petitioner labor union, to ascertain their wishes as to their affiliation with respondent Federation of Free Workers. It is the contention of petitioner Union that there is no statutory authorization for the holding of such a referendum election. That is the decisive issue in this controversy. In support of the

competence of respondent public official, Article 226 of the present Labor Code is cited. It reads thus: “The Bureau of Labor Relations and the Labor Relations Division in the regional offices of the Department of Labor shall have original and exclusive authority to act, at their own initiation or upon request of either or both parties, on all inter-union and intra-union conflicts, and all disputes, grievances of problems arising from or affecting labor-management relations in all workplaces, whether agricultural or non-agricultural, except those arising from the implementation or interpretation of collective bargaining agreements which shall be the subject of grievance procedure and/or voluntary arbitration.”<sup>[1]</sup> The comment of the then Acting Solicitor General, now Associate Justice of the Court of Appeals, Hugo E. Gutierrez, Jr., treated as the answer,<sup>[2]</sup> maintained that the wording of the above provision sustains the authority thus challenged. There is considerable persuasiveness to such a view. It would be an unduly restrictive interpretation thereof if a negative answer were given to the question posed. It would be oblivious to the basic end and aim of the present Labor Code to confer on the Department of Labor and its bureaus the competence to pass upon and decide labor controversies and thus minimize judicial intervention. There is no legal basis for nullifying such order.

This later dispute originated from a petition of respondent Federation of Free Workers filed with the Bureau of Labor Relations against petitioner labor Union to hold a referendum among the members of the union for the purpose of determining whether they desired to be affiliated with such Federation. It was alleged that a “great majority” of the members of the union desired such affiliation, but that its President, a certain Johnny de Leon, was opposed. The contention of petitioner Union acting through its counsel was that only about 700 out of more than 2,200 employees of the company had manifested their desire to affiliate with the Federation and that a substantial number of such had since then repudiated their signatures. It also raised the point that what was sought was a certification election which was not proper as there was a certified collective bargaining agreement between the union and the company. The Compulsory Arbitrator, after a careful study of the pleadings, reached the conclusion that the truth of the matter could best be ascertained by a referendum election. Respondent as Officer-in-Charge of the Bureau

of Labor Relations affirmed. Hence this petition direct to this Court, as a jurisdictional question is raised.

The petition, as noted at the outset, lacks merit.

1. Article 226 of the New Labor Code cannot be misread to signify that the authority conferred on the Secretary of Labor and the officials of the Department is limited in character. On the contrary, even a cursory reading thereof readily yields the conclusion that in the interest of industrial peace and for the promotion of the salutary constitutional objectives of social justice and protection to labor, the competence of the governmental agencies entrusted with supervision over disputes involving employers and employees as well as “inter-union and intra-union conflicts,” is broad and expensive. Thereby its purpose becomes crystal-clear. As is quite readily discernible, where it concerns the promotion of social and economic rights, the active participation in the implementation of the codal objective is entrusted to the executive department. There is no support for any allegation of jurisdictional infirmity, considering that the language employed is well-nigh all-inclusive with the stress on its “original and exclusive authority to act.” If it were otherwise, its policy might be rendered futile. That is to run counter to a basic postulate in the canons of statutory interpretation. Learned Hand referred to it as the proliferation of purpose. As was emphatically asserted by Justice Frankfurter: “The generating consideration is that legislation is more than composition. It is an active instrument of government which, for purposes of interpretation, means that laws have ends to be achieved. It is in this connection that Holmes said, ‘words are flexible.’ Again it was Holmes, the last judge to give quarter to loose thinking or vague yearning, who said that ‘the general purpose is a more important aid to the meaning than any rule which grammar or formal logic may lay down.’ And it was Holmes who chided courts for being ‘apt to err by sticking too closely to the words of a law where those words import a policy that goes beyond them.’”<sup>[3]</sup> What is intended by the framers of code of statute is not to be frustrated. Even on the assumption that by some strained or literal reading of

the language employed, a doubt can be raised as to its scope, the interpretation should not be at war with the end sought to be attained. It cannot be denied that if through an ingenious argumentation, limits may be set on a statutory power which should not be there, there would be a failure to effectuate the statutory purpose and policy. That kind of approach in statutory construction has never recommended itself.<sup>[4]</sup>

2. Nor has petitioner made out a case of grave abuse of discretion since the matter involved is a dispute as to whether or not the members of petitioner labor union had decided, contrary to the wishes of its president, to join respondent Federation. What better way could there be of ascertaining the truth thereof than to hold the referendum election. The guarantee of fairness as to whether there is accuracy depends on the impartiality and neutrality of the Bureau of Labor Relations. There is nothing in petitioner's submission to indicate that such would not be the case. Under such circumstances then, petitioner labor union could not be held to allege that there was an abuse, much less a grave abuse, of the discretionary authority vested in such office. It suffices to take note of how often this Court, after a careful consideration of the issue involved, had rejected such a contention in certification cases, analogous, if not similar in character. Invariably, the imputation that the holding of an election for the purpose of determining with exactitude the wishes of the employees concerned as amounting to arbitrary exercise of a power had been rejected.<sup>[5]</sup>

**WHEREFORE**, the petition for certiorari is dismissed. This decision is immediately executory.

**Barredo, Concepcion Jr. and Santos, JJ., concur.**

***Antonio, J., concurs because respondent public officer has sufficient authority, under the Labor Code, to conduct the referendum afore-mentioned.***

***Aquino, J., concurs because the instant case was rendered moot by the 1975 petition of FFW for a certification election among the employees and workers of Lirag Textile Mills, Inc. If a certification election will be held, a referendum is not necessary.***

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[1] Article 226 of the New Labor Code (1974).

[2] He was assisted by Assistant Solicitor General Reynato S. Puno and Solicitor Romeo C. de la Cruz.

[3] Frankfurter, Of Law and Men, 59-60 (1965).

[4] Cf. Ty Sue vs. Hord, 12 Phil. 485 (1909); United States vs. Toribio, 15 Phil. 85 (1910); Riera vs. Palmaroli, 40 Phil. 105 (1919); Commissioner of Customs vs. Caltex Phil., Inc., 106 Phil. 829 (1959); Sarcos vs. Castillo, L-29755, Jan. 31, 1969, 26 SCRA 853; Automotive Parts & Equipment Co., Inc. vs. Lingad, L-26406, Oct. 31, 1969, 30 SCRA 248; Lopez vs. Commissioner of Customs, L-28235, Jan. 30, 1971, 37 SCRA 327; Matabuena vs. Cervantes, L-28771, March 31, 1971, 38 SCRA 284; Republic Flour Mills vs. Commissioner of Customs, L-28463, May 31, 1971, 39 SCRA 269; Lozano vs. Romero, L-33245, Sept. 30, 1971, 41 SCRA 247; Caltex Filipino Managers and Supervisors Association vs. Court of Industrial Relations; L-30623-33, April 11, 1972, 44 SCRA 350.

[5] Cf. United Employees Union vs. Gelmart Industries vs. Noriel, 67 SCRA 267; Philippine Association of Free Labor Unions vs. Bureau of Labor Relations, 69 SCRA 132 (1976); Federacion Obrera vs. Noriel, 72 SCRA 24 (1976); U. E. Automotive Employees and Workers Union-Trade Unions of the Philippines and Allied Services vs. Noriel, 74 SCRA 72 (1976); Philippine Labor Alliance Council vs. Bureau of Labor Relations, L-41288, Jan. 31, 1977; Today's Knitting Free Workers Union vs. Noriel, L-45057, Feb. 28, 1977; Benguet Exploration Miner's 4575, June 20, 1977; Rowell Labor Union vs. Ople, L-42270, July 29, 1977.