

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT  
SECOND DIVISION**

**TRADE UNIONS OF THE PHILIPPINES  
AND ALLIED SERVICES (TUPAS),  
*Petitioner,***

***-versus-***

**G.R. No. L-61153  
January 17, 1983**

**THE HONORABLE CRESENCIANO B.  
TRAJANO, DIRECTOR, BUREAU OF  
LABOR RELATIONS AND MEAT AND  
CANNING DIVISION UNIVERSAL  
ROBINA CORPORATION,  
*Respondents.***

X-----X

**DECISION**

**ABAD SANTOS, J.:**

Unbelievable things do happen. Trade Unions of the Philippines and Allied Services (TUPAS) filed a petition with the Ministry of Labor and Employment for the holding of a certification election within the regular daily rank and file unit of the Meat and Canning Division of Universal Robina Corporation (ROBINA). ROBINA opposed the petition and asked that it “be dismissed for jurisdictional deficiency, and for lack of merit.” It alleged two reasons which have no relevance in this decision.

Acting on the petition and the motion, Med-Arbiter Edgardo de la Cruz ordered a certification election on: 1. TUPAS; 2. NO UNION.

TUPAS obtained majority of the votes cast and was accordingly certified as the sole and exclusive bargaining agent in ROBINA's Meat and Canning Division. But ROBINA was obdurate. It filed a motion for reconsideration and/or appeal for reasons which also have no relevance in this decision. TUPAS opposed the motion and/or appeal but Director Cresenciano B. Trajano of the Bureau of Labor Relations granted the appeal, set aside the order of Med-Arbiter de la Cruz which recognized TUPAS as the sole and exclusive bargaining unit in ROBINA's Meat and Canning Division, and ordered a new certification election. TUPAS filed a motion for reconsideration but it was futile; hence this appeal by certiorari which is gladly given due course.

We set aside the actuations of Director Trajano who should know better on the sole ground that ROBINA had no legal standing in the certification election. It had no legal standing to oppose the petition of TUPAS and it had no legal standing to appeal the order of Med-Arbiter de la Cruz which recognized TUPAS as the sole and exclusive bargaining unit in ROBINA's Meat and Canning Division.

A certification election is the sole concern of the workers. The only exception is where the employer has to file a petition for certification election pursuant to Article 259 of the Labor Code because it was requested to bargain collectively. Thereafter the role of the employer in the certification process ceases. It becomes merely a by-stander.

In the instant case, the petition for a certification election was filed by a legitimate labor organization as stipulated by Article 258 of the Labor Code. Such being the case, ROBINA should not have involved itself in the certification election. That it did gives rise to a well-rounded suspicion that it wanted a company union which is a no, no in this jurisdiction.

The pronouncement of this Court concerning management interference in certification elections is well worth repeating:

“On a matter that should be the exclusive concern of labor, the choice of a collective bargaining representative, the employer is definitely an intruder. His participation, to say the least, deserves no encouragement. This Court should be the last agency to lend support to such an attempt at interference with a purely internal affair of labor.” (Consolidated Farms, Inc. vs. Noriel, L-47752, July 31, 1978, 84 SCRA 469, 473. See also Filipino Metals Corp. vs. Ople, L-43861, Sept. 4, 1981, 107 SCRA 211.).

**WHEREFORE**, the Petition is granted; the Decision and order of the respondent Director of Labor Relations are set aside; and the petition is recognized as the sole and exclusive bargaining agent of the workers at the private respondent’s establishment. Costs against the private respondent.

**SO ORDERED.**

**Makasiar, J., (Chairman), Concepcion, Jr., Guerrero, De Castro and Escolin, JJ., concur.**  
**Aquino, J., took no part.**