SUPREME COURT
SECOND DIVISION

UNIVERSITY OF THE PHILIPPINES,
***Petitioner*,**

-versus-

G.R. No. 96189
July 14, 1992

HON. PURA FERRER-CALLEJA, DIRECTOR OF THE BUREAU OF LABOR RELATIONS, DEPARTMENT OF LABOR AND EMPLOYMENT, AND THE ALL U.P. WORKERS' UNION, REPRESENTED BY ITS PRESIDENT, ROSARIO DEL ROSARIO,
***Respondents*.**
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D E C I S I O N

NARVASA, *C.J.*:

In this Special Civil Action of *Certiorari* the University of the Philippines seeks the nullification of the Order dated October 30, 1990 of Director Pura Ferrer-Calleja of the Bureau of Labor Relations holding that "professors, associate professors and assistant professors (of the University of the Philippines) are rank-and-file employees;" consequently, they should, together with the so-called non-academic, non-teaching, and all other employees of the University, be represented by only one labor organization.[1] The University is joined in this undertaking by the Solicitor General who "has taken a position not contrary to that of petitioner and, in fact, has manifested that he is not opposing the petition."[2]

The case[3] was initiated in the Bureau of Labor Relations by a petition filed on March 2, 1990 by a registered labor union, the "Organization of Non-Academic Personnel of UP" (ONAPUP).[4] Claiming to have a membership of 3,236 members — comprising more than 33% of the 9,617 persons constituting the non-academic personnel of UP-Diliman, Los Baños, Manila, and Visayas, it sought the holding of a certification election among all said non-academic employees of the University of the Philippines. At a conference thereafter held on March 22, 1990 in the Bureau, the University stated that it had no objection to the election.

On April 18, 1990, another registered labor union, the "All UP Workers' Union,"[5] filed a comment, as intervenor in the certification election proceeding. Alleging that its membership covers both academic and non-academic personnel, and that it aims to unite all UP rank-and-file employees in one union, it declared its assent to the holding of the election provided the appropriate organizational unit was first clearly defined. It observed in this connection that the Research, Extension and Professorial Staff (REPS), who are academic non-teaching personnel, should not be deemed part of the organization unit.

For its part, the University, through its General Counsel,[6] made of record its view that there should be two (2) unions: one for academic, the other for non-academic or administrative, personnel considering the dichotomy of interests, conditions and rules governing these employee groups.

Director Calleja ruled on the matter on August 7, 1990.[7] She declared that "the appropriate organization unit should embrace all that regular rank-and-file employees, teaching and non-teaching, of the University of the Philippines, including all its branches" and that there was no sufficient evidence "to justify the grouping of the non-academic or administrative personnel into an organization unit apart and distinct from that of the academic or teaching personnel." Director Calleja adverted to Section 9 of Executive Order No. 180, viz.:

> "SEC. 9. The appropriate organizational unit shall be the employer unit consisting of rank-and-file employees, unless circumstances otherwise require."

and Section 1, Rule IV of the Rules Implementing said EO 180 (as amended by SEC. 2, Resolution of Public Sector Labor Management Council dated May 14, 1989, viz.:

x x x

> "For purposes of registration, an appropriate organizational unit may refer to:
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> x x x
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> d. State universities or colleges, government-owned or controlled corporations with original charters."

She went on to say that the general intent of EO 180 was "not to fragmentize the employer unit, as "can be gleaned from the definition of the term "accredited employees' organization," which refers to:

> "A registered organization of the rank-and-file employees as defined in these rules recognized to negotiate for the employees in an organizational unit headed by an officer with sufficient authority to bind the agency, such as states colleges and universities."

The Director thus commanded that a certification election be "conducted among rank-and-file employees, teaching and non-

teaching" in all four autonomous campuses of the UP, and that management appear and bring copies of the corresponding payrolls for January, June, and July, 1990 at the "usual pre-election conference."

At the pre-election conference held on March 22, 1990 at the Labor Organizations Division of the DOLE,[8] the University sought further clarification of the coverage of the term, "rank-and-file" personnel, asserting that not every employee could properly be embraced within both teaching and non-teaching categories since there are those whose positions are in truth managerial and policy-determining, and hence, excluded by law.

At a subsequent hearing (on October 4, 1990), the University filed a Manifestation seeking the exclusion from the organizational unit of those employees holding supervisory positions among non-academic personnel, and those in teaching staff with the rank of Assistant Professor or higher, submitting the following as grounds therefor:

1) Certain "high-level employees" with policy-making, managerial, or confidential functions, are ineligible to join rank-and-file employee organizations under Section 3, EO 180:

> "SEC. 3. High-level employees whose functions are normally considered as policy-making or managerial or whose duties are of a highly confidential nature shall not be eligible to join the organization of rank-and file government employees;

2) In the University hierarchy, not all teaching and non-teaching personnel belong to the rank-and-file: just as there are those occupying managerial positions within the non-teaching roster, there is also a dichotomy between various levels of the teaching or academic staff;

3) Among the non-teaching employees composed of Administrative Staff and Research personnel, only those holding positions below Grade 18 should be regarded as

rank-and-file, considering that those holding higher grade positions, like Chiefs of Sections, perform supervisory functions including that of effectively recommending termination of appointments or initiating appointments and promotions; and

4) Not all teaching personnel may be deemed included in the term, "rank-and-file;" only those holding appointments at the instructor level may be so considered, because those holding appointments from Assistant Professor to Associate Professor to full Professor take part, as members of University Council, a policy-making body, in the initiation of policies and rules with respect to faculty tenure and promotion.[9]

The ONAPUP quite categorically made of record its position: that it was not opposing the University's proffered classification of rank-and file employees. On the other hand, the "All UP Workers' Union" opposed the Universitys' view, in a Position Paper presented by it under date of October 18, 1990.

Director Calleja subsequently promulgated an Order dated October 30, 1990, resolving the "sole issue" of "whether or not professors, associate professors and assistant professors are included in the definition of high-level employee(s)" in light of Rule I, Section (1) of the Implementing Guidelines of Executive Order No. 180, defining "high level employee" as follows:

"1. High Level Employee — is one whose functions are normally considered policy determining, managerial or one whose duties are highly confidential in nature. A managerial function refers to the exercise of powers such as:

    1. To effectively recommend such managerial actions;

    2. To formulate or execute management policies and decisions; or

3. To hire, transfer, suspend, lay-off, recall, dismiss, assign or discipline employees."

The Director adjudged that said teachers are rank-and-file employees "qualified to join unions and vote in certification elections." According to her —

> "A careful perusal of the University Code shows that the policy-making powers of the Council are limited to academic matters, namely, prescribing courses of study and rules of discipline, fixing student admission and graduation requirements, recommending to the Board of Regents the conferment of degrees, and disciplinary power over students. The policy-determining functions contemplated in the definition of a high-level employee pertain to managerial, executive, or organization policies, such as hiring, firing, and disciplining of employees, salaries, teaching/working hours, other monetary and non-monetary benefits, and other terms and conditions of employment. They are the usual issues in collective bargaining negotiations so that whoever wields these powers would be placed in a situation of conflicting interests if he were allowed to join the union of rank-and-file employees."

The University seasonably moved for reconsideration, seeking to make the following points, to wit:

1) UP professors do "wield the most potent managerial powers: the power to rule on tenure, on the creation of new programs and new jobs, and conversely, the abolition of old programs and the attendant re-assignment of employees."

2) To say that the Council is "limited to (acting on) academic matters" is error, since academic decisions "are the most important decisions made in a University (being, as it were) the heart, the core of the University as a workplace.

3) Considering the law regards as a "high level employee, one who performs either policy-determining, managerial, or confidential functions, the Director erred in applying only

the "managerial functions" test, ignoring the policy-determining-functions" test.

4) The Director's interpretation of the law would lead to absurd results, e.g.: "an administrative officer of the College of Law is a high level employee, while a full Professor who has published several treatises and who has distinguished himself in argument before the Supreme Court is a mere rank-and-file employee. A dormitory manager is classified as a high level employee, while a full Professor of Political Science with a Ph. D. and several Honorary doctorates is classified as rank-and-file."[10]

The motion for reconsideration was denied by Director Calleja, by Order dated November 20, 1990.

The University would now have this Court declare void the Director's Order of October 30, 1990 as well as that of November 20, 1990.[11] A temporary restraining order was issued by the Court, by Resolution dated December 5, 1990 conformably to the University's application therefor.

Two issues arise from these undisputed facts. One is whether or not professors, associate professors and assistant professors are "high-level employees" "whose functions are normally considered policy determining, managerial or highly confidential in nature." The other is whether or not, they, and other employees performing academic functions,[12] should comprise a collective bargaining unit distinct and different from that consisting of the non-academic employees of the University,[13] considering the dichotomy of interests, conditions and rules existing between them.

As regards the first issue, the Court is satisfied that it has been correctly resolved by the respondent Director of Bureau Relations. In light Executive Order No. 180 and its implementing rules, as well as the University's charter and relevant regulations, the professors, associate professors and assistant professors (hereafter simply referred to as professors) cannot be considered as exercising such managerial or highly confidential functions as would justify their being categorized as "high-level employees" of the institution.

The Academic Personnel Committees, through which the professors supposedly exercise managerial functions, were constituted "in order to foster greater involvement of the faculty and other academic personnel in appointments, promotions, and other personnel matters that directly affect them."[14] Academic Personnel Committees at the departmental and college levels were organized "consistent with, and demonstrative of the very idea of consulting the faculty and other academic personnel on matters directly affecting them" and to allow "flexibility in the determination of guidelines peculiar to a particular department or college."[15]

Personnel actions affecting the faculty and other academic personnel should, however, "be considered under uniform guidelines and consistent with the Resolution of the Board (of Regents) adopted during its 789th Meeting (11-26-69) creating the University Academic Personnel Board."[16] Thus, the Departmental Academic Personnel Committee is given the function of "assist(ing) in the review of the recommendations initiated by the Department Chairman with regard to recruitment, selection, performance evaluation, tenure and staff development, in accordance with the general guidelines formulated by the University Academic Personnel Board and the implementing details laid down by the College Academic Personnel Committee;"[17] while the College Academic Personnel Committee is entrusted with the following functions:[18]

1. Assist the Dean in setting up the details for the implementation of policies, rules, standards or general guidelines as formulated by the University Academic Personnel Board;

2. Review the recommendations submitted by the DAPCs with regard to recruitment, selection, performance evaluation, tenure, staff development, and promotion of the faculty and other academic personnel of the College;

3. Establish departmental priorities in the allocation of available funds for promotion;

4. Act on cases or disagreement between the Chairman and the members of the DAPC particularly on personnel matters covered by this Order;

5. Act on complaints and/or protests against personnel actions made by the Department Chairman and/or the DAPC.

The University Academic Personnel Board, on the other hand, performs the following functions:[19]

1. Assist the Chancellor in the review of the recommendations of the CAPC'S.

2. Act on cases of disagreement between the Dean and the CAPC.

3. Formulate policies, rules, and standards with respect to the selection, compensation, and promotion of members of the academic staff.

4. Assist the Chancellor in the review of recommendations on academic promotions and on other matters affecting faculty status and welfare.

From the foregoing, it is evident that it is the University Academic Personnel Committee, composed of deans, the assistant for academic affairs and the chief of personnel, which formulates the policies, rules and standards respecting selection, compensation and promotion of members of the academic staff. The departmental and college academic personnel committees' functions are purely recommendatory in nature, subject to review and evaluation by the University Academic Personnel Board. In Franklin Baker Company of the Philippines vs. Trajano,[20] this Court reiterated the principle laid down in National Merchandising Corp. vs. Court of Industrial Relations,[21] that the power to recommend, in order to qualify an employee as a supervisor or managerial employee "must not only be effective but the exercise of such authority should not be merely of a routinary or clerical nature but should require the use of independent judgment." Where such recommendatory powers, as in the case at bar, are subject to evaluation, review and final action by the

department heads and other higher executives of the company, the same, although present, are not effective and not an exercise of independent judgment as required by law.

Significantly, the personnel actions that may be recommended by the departmental and college academic personnel committees must conform with the general guidelines drawn up by the university personnel academic committee. This being the case, the members of the departmental and college academic personnel committees are not unlike the chiefs of divisions and sections of the National Waterworks and Sewerage Authority whom this Court considered as rank-and-file employees in National Waterworks & Sewerage Authority vs. NWSA Consolidated Unions,[22] because "given ready policies to execute and standard practices to observe for their execution, they have little freedom of action, as their main function is merely to carry out the company's orders, plans and policies."

The power or prerogative pertaining to a high-level employee "to effectively recommend such managerial actions, to formulate or execute management policies or decisions and/or to hire, transfer, suspend, lay-off, recall, dismiss, assign or discipline employees"[23] is exercised to a certain degree by the university academic personnel board/committees and ultimately by the Board of Regents in accordance with Section 6 of the University Charter,[24] thus:

> (e) To appoint, on the recommendation of the President of the University, professors, instructors, lecturers and other employees of the University; to fix their compensation, hours of service, and such other duties and conditions as it may deem proper; to grant them in its discretion leave of absence under such regulations as it may promulgate, any other provision of law to the contrary notwithstanding, and to remove them for cause after investigation and hearing shall have been had.

Another factor that militates against petitioner's espousal of managerial employment status for all its professors through membership in the departmental and college academic personnel committees is that not all professors are members thereof.

Membership and the number of members in the committees are provided as follows:[25]

> Section 2. Membership in Committees. — Membership in committees may be made either through appointment, election, or by some other means as may be determined by the faculty and other academic personnel of a particular department or college.
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> Section 3. Number of Members. — In addition to the Chairman, in the case of a department, and the Dean in the case of a college, there shall be such number of members representing the faculty and academic personnel as will afford a fairly representative, deliberative and manageable group that can handle evaluation of personnel actions.

Neither can membership in the University Council elevate the professors to the status of high-level employees. Sections 6 (f) and 9 of the UP Charter respectively provide:[26]

> Sec. 6. The Board of Regents shall have the following powers and duties.:
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> (f) To approve the courses of study and rules of discipline drawn up by the University Council as hereinafter provided:
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> Sec. 9. There shall be a University Council consisting of the President of the University and of all instructors in the university holding the rank of professor, associate professor, or assistant professor. The Council shall have the power to prescribe the courses of study and rules of discipline, subject to the approval of the Board of Regents. It shall fix the requirements for admission to any college of the university, as well as for graduation and the receiving of a degree. The Council alone shall have the power to recommend

> students or others to be recipients of degrees. Through its president or committees, it shall have disciplinary power over the students within the limits prescribed by the rules of discipline approved by the Board of Regents. The powers and duties of the President of the University, in addition to those specifically provided in this Act shall be those usually pertaining to the office of president of a university.

It is readily apparent that the policy-determining functions of the University Council are subject to review, evaluation and final approval by the Board of Regents. The Council's power of discipline is likewise circumscribed by the limits imposed by the Board of Regents. What has been said about the recommendatory powers of the departmental and college academic personnel committees applies with equal force to the alleged policy-determining functions of the University Council.

Even assuming arguendo that UP professors discharge policy-determining function through the University Council, still such exercise would not qualify them as high-level employees within the context of E.O. 180. As correctly observed by private respondent, "Executive Order No. 180 is a law concerning public sector unionism. It must therefore be construed within that context. Within that context, the University of the Philippines represents the government as an employer. 'Policy-determining' refers to policy-determination in university matters that affect those same matters that may be the subject of negotiation between public sector management and labor. The reason why 'policy-determining' has been laid down as a test in segregating rank-and-file from management is to ensure that those who lay down policies in areas that are still negotiable in public sector collective bargaining do not themselves become part of those employees who seek to change these policies for their collective welfare."[27]

The policy-determining functions of the University Council refer to academic matters, i.e. those governing the relationship between the University and its students, and not the University as an employer and the professors as employees. It is thus evident that no conflict of

interest results in the professors being members of the University Council and being classified as rank-and-file employees.

Be that as it may, does it follow, as public respondent would propose, that all rank-and-file employees of the university are to be organized into a single collective bargaining unit?

A "bargaining unit" has been defined as a group of employees of a given employer, comprised of all or less than all of the entire body of employees, which the collective interest of all the employees, consistent with equity to the employer, indicate to be the best suited to serve the reciprocal rights and duties of the parties under the collective bargaining provisions of the law.[28]

Our labor laws do not however provide the criteria for determining the proper collective bargaining unit. Section 12 of the old law, Republic Act No. 875 otherwise known as the Industrial Peace Act, simply reads as follows:[29]

> Section 12. Exclusive Collective Bargaining Representation for Labor Organizations. — The labor organization designated or selected for the purpose of collective bargaining by the majority of the employees in an appropriate collective bargaining unit shall be the exclusive representative of all the employees in such unit for the purpose of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment; Provided, That any individual employee or group of employees shall have the right at any time to present grievances to their employer.

Although said Section 12 of the Industrial Peace Act was subsequently incorporated into the Labor Code with minor changes, no guidelines were included in said Code for determination of an appropriate bargaining unit in a given case.[30] Thus, apart from the single descriptive word "appropriate," no specific guide for determining the proper collective bargaining unit can be found in the statutes.

Even Executive Order No. 180 already adverted to is not much help. All it says, in its Section 9, is that "(t)he appropriate organizational unit shall be the employer unit consisting of rank-and-file employees,

unless circumstances otherwise require" Case law fortunately furnishes some guidelines.

When first confronted with the task of determining the proper collective bargaining unit in a particular controversy, the Court had preforce the rely on American jurisprudence. In Democratic Labor Association vs. Cebu Stevedoring Company, Inc., decided on February 28, 1958,[31] the Court observed that "the issue of how to determine the proper collective bargaining unit and what unit would be appropriate to be the collective bargaining agency" "is novel in this jurisdiction; however, American precedents on the matter abound (to which resort may be had) considering that our present Magna Carta has been patterned after the American law on the subject." Said the Court:

> "Under these precedents, there are various factors which must be satisfied and considered in determining the proper constituency of a bargaining unit. No one particular factor is itself decisive of the determination. The weight accorded to any particular factor varies in accordance with the particular question or questions that may arise in a given case. What are these factors? Rothenberg mentions a good number, but the most pertinent to our case are: (1) will of the employees (Globe Doctrine); (2) affinity and unit of employees' interest, such as substantial similarity of work and duties, or similarity or compensation and working conditions; (3) prior collective bargaining history; and (4) employment status, such as temporary, seasonal and probationary employees.
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> "An enlightening appraisal of the problem of defining an appropriate bargaining unit is given in the 10th Annual Report of the National Labor Relations Board wherein it is emphasized that the factors which said board may consider and weigh in fixing appropriate units are: the history, extent and type of organization of employees; the history of their collective bargaining; the history, extent and type organization of employees in other plants of the same employer, or other employers in the same industry; the skill, wages, work, and

> working conditions of the employees; the desires of the employees; the eligibility of the employees for membership in the union or unions involved; and the relationship between the unit or units proposed and the employer's organization, management, and operation.
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> "In said report, it is likewise emphasized that the basic test in determining the appropriate bargaining unit is that a unit, to be appropriate, must affect a grouping of employees who have substantial, mutual interests in wages, hours, working conditions and other subjects of collective bargaining (citing Smith on Labor Laws, 316-317; Francisco, Labor Laws, 162)."

The Court further explained that "(t)he test of the grouping is community or mutuality of interests. And this is so because `the basic test of an asserted bargaining unit's acceptability is whether or not it is fundamentally the combination which will best assure to all employees the exercise of their collective bargaining rights' (Rothenberg on Labor Relations, 490)." Hence, in that case, the Court upheld the trial court's conclusion that two separate bargaining units should be formed, one consisting of regular and permanent employees and another consisting of casual laborers and stevedores.

Since then, the "community or mutuality of interests" test has provided the standard in determining the proper constituency of a collective bargaining unit. In Alhambra Cigar & Cigarette Manufacturing Company, et al. vs. Alhambra Employees' Association (PAFLU), 107 Phil. 23. The Court, noting that the employees in the administrative, sales and dispensary departments of a cigar and cigarette manufacturing firm perform work which have nothing to do with production and maintenance, unlike those in the raw lead (malalasi), cigar, cigarette, packing (precintera) and engineering and garage departments, authorized the formation of the former set of employees into a separate collective bargaining unit. The ruling in the Democratic labor Association case, supra, was reiterated in Philippine Land-Air-Sea Labor Union vs. Court of Industrial Relations, 110 Phil. 176, where casual employees were barred from joining the union of the permanent and regular employees.

Applying the same "community or mutuality of interests" test, but resulting in the formation of only one collective bargaining unit is the case of National Association of Free Trade Unions vs. Mainit Lumber Development Company Workers Union-United Lumber and General Workers of the Phils., G.R. No. 79526, December 21, 1990, 192 SCRA 598. In said case, the Court ordered the formation of a single bargaining unit consisting of the Sawmill Division in Butuan City and the Logging Division in Zapanta Valley, Kitcharao, Agusan Norte of the Mainit Lumber Development Company. The Court reasoned:

> "Certainly, there is a mutuality of interest among the employees of the Sawmill Division and the Logging Division. Their functions mesh with one another. One group needs the other in the same way that the company needs them both. There may be difference as to the nature of their individual assignments but the distinctions are not enough to warrant the formation of a separate bargaining unit."

In the case at bar, the University employees may, as already suggested, quite easily be categorized into two general classes: one, the group composed of employees whose functions are non-academic, i.e., janitors, messengers, typists, clerks, receptionists, carpenters, electricians, grounds-keepers, chauffeurs, mechanics, plumbers;[32] and two, the group made up of those performing academic functions, i.e., full professors, associate professors, assistant professors, instructors — who may be judges or government executives — and research, extension and professorial staff.[33] Not much reflection is needed to perceive that the community or mutuality of interests which justifies the formation of a single collective bargaining unit is wanting between the academic and non-academic personnel of the university. It would seem obvious that teachers would find very little in common with the University clerks and other non-academic employees as regards responsibilities and functions, working conditions, compensation rates, social life and interests, skills and intellectual pursuits, cultural activities, etc. On the contrary, the dichotomy of interests, the dissimilarity in the nature of the work and duties as well as in the compensation and working conditions of the academic and non-academic personnel dictate the separation of these two categories of employees for purposes of collective bargaining. The formation of two separate bargaining units, the first consisting of the

rank-and-file non-academic personnel, and the second, of the rank-and-file academic employees, is the set-up that will best assure to all the employees the exercise of their collective bargaining rights. These special circumstances, i.e., the dichotomy of interests and concerns as well as the dissimilarity in the nature and conditions of work, wages and compensation between the academic and non-academic personnel, bring the case at bar within the exception contemplated in Section 9 of Executive Order No. 180. It was grave abuse of discretion on the part of the Labor Relations Director to have ruled otherwise, ignoring plain and patent realities.

WHEREFORE, the assailed Order of October 30, 1990 is hereby **AFFIRMED** in so far as it declares the professors, associate professors and assistant professors of the University of the Philippines as rank-and-file employees of the University of the Philippines shall constitute a bargaining unit to the exclusion of the academic employees. The Order of August 7, 1990 is MODIFIED in the sense that the non-academic rank-and-file employees of the institution - i.e., full professors, associate professors, assistant professors, instructors, and the research, extension and professorial staff, who may, if so minded, organize themselves into a separate collective bargaining unit; and that, therefore, only said non-academic rank-and-file personnel of the University of the Philippines in Diliman, Manila, Los Baños and the Visayas are to participate in the certification election.

SO ORDERED.

Padilla, Regalado and Nocon, *JJ.*, concur.
Paras, *J.*, took no part *(retired)*.

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[1] A subsequent Order, dated November 20, 1990, denied reconsideration of the Order of October 30, 1990; SEE footnote 11, infra.
[2] Rollo, pp. 105 (Manifestation and Motion), and 222 (Compliance).
[3] Docketed as BLR No. 3-08-90.
[4] Registered in accordance with Executive Order No. 180 as evidenced by Registration Certificate No. 038 dated Nov. 10, 1987.
[5] Registered on April 8, 1988 per Registration Certificate No. 048.
[6] Mr. Demaree Raval.
[7] Rollo, pp. 26-31.

[8] Presided over by Atty. Johnny Garcia.
[9] In the University Charter, (ACT 1870), as amended, and Chapter 2 (Secs. 1 and 2) of the University Code, the composition and functions of the University Council are spelled out insofar as the policy-determining functions of its members are concerned, and this was reiterated in a Resolution of the UP Board of Regents during its 828th Meeting held on Dec. 21, 1972.
[10] These arguments notwithstanding, the University proposed that the election might proceed but that the ballots of the challenged voters (professors down to assistant professors) be sealed and segregated pending resolution of the issue.
[11] SEE footnotes 1 and 2, supra.
[12] E.g., Employees engaged in teaching, who may include judges, government officials, executives of business, commercial and industrial enterprises, and research, extension and professorial staff.
[13] Including: janitors, messengers, typists, receptionists, clerks of various types, laboratory aides or helpers, nurses, medical aides, carpenters, grounds-keepers, chauffeurs, electricians, mechanics, plumbers.
[14] Executive Order No. 6, as amended by Executive Order No. 9, dated August 31, 1979, Annex "A", Memorandum for Petitioner, p. 215, Rollo.
[15] Whereas Clause, Unnumbered Executive Order, Series of 1988 on the Constitution of Academic Personnel Committees, Annex "B", Memorandum for Petitioner, p. 217, Rollo.
[16] Ibid.
[17] Section 7, Ibid., p. 218, Rollo, underscoring supplied.
[18] Section 11, Ibid., pp. 218-219, Rollo.
[19] Section 12, Ibid., p. 219, Rollo.
[20] G.R. No. 75039, January 28, 1988, 157 SCRA 416.
[21] G.R. No. 18710, March 30, 1963, 7 SCRA 598.
[22] G.R. No. L-18938, August 31, 1964, 11 SCRA 766.
[23] Rule 1, Section (1) of the Implementing Guidelines of Executive Order No. 180.
[24] Act No. 1870, as amended, Annex "A", Comment of Public Respondent, p. 149, Rollo.
[25] Unnumbered Executive Order, supra.
[26] Underscoring supplied.
[27] p. 18, Memorandum for respondent U.P. Union, p. 188, Rollo.
[28] (Rothenberg on Labor Relations, 282, cited in Fernandez & Quiazon, The Law of Labor Relations, 1963 ed., p. 281).
[29] Underscoring supplied.
[30] Section 12 of the Industrial Peace Act was incorporated as Art. 256 of the Labor Code of the Philippines. Renumbered Art. 255 by subsequent amendments, it now reads:

"Art. 255. Exclusive Bargaining Representation and Workers Participation in Policy and Decision-Making. — The labor organization designated or selected by majority of the employees in an appropriate collective bargaining unit shall be the exclusive representative of the employees in

such unit for the purpose of collective bargaining. However, an individual employee or group of employees shall have the right at any time to present grievances to their employer.

[31] G.R. No. L-10321, an unreported case, cited in 103 Phil. 1103, the decision having been written for the Court by Justice Felix Bautista Angelo and concurred in by all the other ten (1) justices except the Chief Justice, who took no part.

[32] SEE footnote 13, supra.

[33] SEE footnote 12, supra.