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**SUPREME COURT
SECOND DIVISION**

**ERNESTO C. VERCELES, DIOSDADO F.
TRINIDAD, SALVADOR G. BLANCIA,
ROSEMARIE DE LUMBAN, FELICITAS
F. RAMOS, MIGUEL TEAÑO, JAIME
BAUTISTA and FIDEL ACERO, as
Officers of the University of the East
Employees' Association,
*Petitioners,***

-versus-

**G.R. No. 152322
February 15, 2005**

**BUREAU OF LABOR RELATIONS-
DEPARTMENT OF LABOR AND
EMPLOYMENT, DEPARTMENT OF
LABOR AND EMPLOYMENT-NATIONAL
CAPITAL REGION, RODEL E. DALUPAN,
EFREN J. DE OCAMPO, PROCESO
TOTTO, JR., ELIZABETH ALARCA,
ELVIRA S. MANALO, and RICARDO UY,
*Respondents.***

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DECISION

CHICO-NAZARIO, J.:

Before Us is a Petition for Review on Certiorari under Rule 45 of the 1997 Rules of Civil Procedure, assailing the Decision^[1] and Resolution^[2] rendered by the Court of Appeals, dated 24 October 2001 and 15 February 2002, respectively.

The Facts

Private respondents Rodel E. Dalupan, Efren J. De Ocampo, Proceso Totto, Jr., Elizabeth Alarca, and Elvira S. Manalo are members of the University of the East Employees' Association (UEEA). On 15 September 1997, they each received a Memorandum from the UEEA charging them with spreading false rumors and creating disinformation among the members of the said association. They were given seventy-two hours from receipt of the Memorandum to submit their Answer.^[3]

The acts of the respondents allegedly fall under General Assembly Resolution No. 4, Series of 1979, to wit:

1. Circulating false rumors about the progress of the negotiations for collective bargaining;
2. Creating distrust or loss of trust and confidence of members in the Association;
3. Creating dissension among the members;
4. Circulating false rumors about the work of the Association or sabotaging the same;
5. Withholding from the Association and/or members material information as to their rightful entitlement to benefits and/or money claims;
6. Acting as a spy against the Association or divulging confidential matters to persons not entitled thereto;
7. Such other offenses, which may injure or disrupt the functions of the Association.^[4]

Through a collective reply dated 19 September 1997, private respondents denied the allegations. Thereafter, on 23 September 1997, they sent a letter dated 22 September 1997 to the Chairman and Members of UEEA's Disciplinary Committee, informing them that the Memorandum of 15 September 1997 was vague and without legal basis, therefore, no intelligent answer may be made by them. They likewise stated that any sanction that will be imposed by the committee would be violative of their right to due process.^[5]

The Disciplinary Committee issued another Memorandum, dated 24 September 1997, giving the respondents another seventy-two hours from receipt within which to properly reply, explaining that the collective reply letter and supplemental answer which were earlier submitted were not responsive to the first Memorandum. Their failure would be construed as an admission of the truthfulness and veracity of the charges.^[6]

On 01 October 1997, the respondents issued a denial for the second time, and inquired from the Disciplinary Committee as to whether they were being formally charged.^[7]

On 09 October 1997, Ernesto Verceles, in his capacity as president of the association, through a Memorandum, informed Rodel Dalupan, et al., that their membership in the association has been suspended and shall take effect immediately upon receipt thereof. Verceles said he was acting upon the disciplinary committee's finding of a prima facie case against them.^[8] Respondent Ricardo Uy also received a similar memorandum on 03 November 1997.^[9]

On 01 December 1997, a complaint^[10] for illegal suspension, willful and unlawful violation of UEEA constitution and by-laws, refusal to render financial and other reports, deliberate refusal to call general and special meetings, illegal holdover of terms and damages was filed by the respondents against herein petitioners Ernesto C. Verceles, Diosdado F. Trinidad, Salvador G. Blancia, Rosemarie De Lumban, Felicitas Ramos, Miguel Teaño, Jaime Bautista and Fidel Acero before the Department of Labor and Employment, National Capital Region (DOLE-NCR).

A few days after the filing of the complaint, i.e., on 10 December 1997, a resolution^[11] was passed by UEEA which reads as follows:

RESOLUTION

WHEREAS, the Association has gone thru a most arduous, difficult, and trying times in working to obtain the best terms and conditions of employment for its members, specifically for the period 1992 to 1996;

WHEREAS, said difficulties are in the form of near strikes, cases with the Department of Labor and Employment and its agencies, as well as with the Supreme Court;

WHEREAS, the general membership (has) shown exceptional patience and perseverance and generally (had) demonstrated full trust and confidence in the Association officers and accordingly approved the manner and/or actions undertaken in pursuing said difficult task of arriving at a most beneficial agreement for the general membership;

NOW, THEREFORE, be it resolved as it is hereby resolved that:

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- b) the general membership reiterate its loyalty to the Association and commends the Association officers for their effort expended in working for the benefit of the whole membership.

APPROVED.

Manila. 10 December 1997.

On 22 November 1999, a Decision^[12] was rendered by Regional Director Maximo B. Lim, adverse to petitioners, the dispositive portion of which reads:

WHEREFORE, premises considered, respondents are hereby ordered:

1. to immediately lift suspension imposed upon the complainants;
2. to hold a general membership meeting wherein they (respondents) make open and available the union's/association's books of accounts and other documents pertaining to the union funds and thereby explain the financial status of the union;
3. to regularly conduct special and general membership meetings in accordance with the union's constitution and by-laws;
4. to immediately hold/conduct an election of officers in accordance with the union's constitution and by-laws.

Accordingly, the claims of complainants for damages are hereby ordered dismissed for lack of jurisdiction.

However, within ten (10) days upon receipt of this Order, the complainants are hereby directed to submit a written report whether or not the respondents had complied with this Order.

The petitioners appealed to the Bureau of Labor Relations of the Department of Labor and Employment (BLR-DOLE). During the pendency of this appeal, or on 07 April 2000, an election of officers was held by the UEEA. The appeal, however, was dismissed for lack of merit in a Resolution^[13] dated 22 September 2000, the decretal portion of which reads:

WHEREFORE, the appeal is hereby DISMISSED for lack of merit and the decision dated 22 (November) 1999 of Regional Director Maximo B. Lim, DOLE-NCR, is AFFIRMED.

Meanwhile, Resolution No. 8, Series of 2000, was passed by the UEEA, wherein the members allegedly reiterated their support and approval of the acts and collateral actions of the officers.^[14]

A Motion for Reconsideration^[15] was filed by the petitioners with the BLR-DOLE, but was denied in a Resolution^[16] dated 15 January 2001.

A special civil action for certiorari^[17] was thereafter filed before the Court of Appeals citing grave abuse of discretion amounting to lack or excess of jurisdiction. In a Resolution^[18] dated 22 February 2001, the Court of Appeals dismissed the petition outright for failure to comply with the provisions of Section 1, Rule 65 in relation to Section 3, Rule 46 of the 1997 Rules of Civil Procedure. A Motion for Reconsideration^[19] was filed which was granted in a Resolution^[20] dated 24 April 2001, thus, reinstating the petition.

On 24 October 2001, the Court of Appeals rendered a Decision^[21] dismissing the petition, the dispositive portion of which reads:

WHEREFORE, premises considered, the instant petition is DENIED DUE COURSE and DISMISSED for lack of merit. No pronouncement as to costs.

A Motion for Reconsideration^[22] was thereafter filed by the petitioners. In a Resolution^[23] dated 15 February 2002, the Court of Appeals modified its earlier decision. The decretal portion of which states:

WHEREFORE, the questioned decision of this court is MODIFIED. The 22 September 2000 and 15 January 2001 resolutions of the BLR insofar as they affirmed the part of the 22 November 1999 decision of the Regional Director of DOLE-NCR ordering the immediate holding of election are HEREBY ANNULLED AND SET ASIDE. All the other aspects of the assailed Resolutions are AFFIRMED.

Not satisfied, the petitioners filed a petition for review on certiorari^[24] before this Court.

The Issues

The petitioners raise the following issues:

1. WHETHER OR NOT THERE IS REVERSIBLE ERROR IN THE COURT OF APPEALS' UPHOLDING THE DOLE-NCR AND BLR-DOLE DECISIONS BASED ONLY ON THE COMPLAINT AND ANSWER;
2. WHETHER OR NOT IT IS REVERSIBLE ERROR FOR THE COURT OF APPEALS TO HOLD THE ELECTION OF APRIL 7, 2000 AS INVALID AND A NULLITY;
3. WHETHER OR NOT IT IS REVERSIBLE ERROR TO UPHOLD BLR-DOLE'S FINDING THAT THE SUSPENSION WAS ILLEGAL; and
4. WHETHER OR NOT THE ALLEGED NON-HOLDING OF MEETINGS AND ALLEGED NON-SUBMISSION OF REPORTS ARE MOOT AND ACADEMIC, AND WHETHER THE DECISION TO HOLD MEETINGS AND SUBMIT REPORTS CONTRADICT AND OVERRIDE THE SOVEREIGN WILL OF THE MAJORITY.^[25]

The Court's Rulings

We shall discuss the issues in seriatim.

First Issue: was the court a quo correct in upholding the DOLE-NCR and BLR-DOLE decisions based only on the complaint and answer?

Petitioners contend that the complaint filed by the private respondents in DOLE-NCR was a mere recital of bare, self serving and unsubstantiated allegations. Both parties did not submit position papers, and the DOLE-NCR resolved the case based only on the complaint and answer. Also, by failing to submit a reply to the answer, private respondents, in effect admitted the petitioners' controversion of the charges.^[26] They further argue that the private respondents did not exhaust administrative remedies and that the requirement of support by at least 30% of the members of the association pursuant to Section 1, Rule XIV, Article I, Department Order No. 9 of DOLE, was not complied with.^[27]

Private respondents, on the other hand, assert that the records show that despite their failure to submit their position papers, they nonetheless moved that the case be resolved by DOLE-NCR based on the complaint, answer and available exhibits or annexes integrated with the aforesaid pleadings.^[28] The principle of non-exhaustion of administrative remedies that would warrant the dismissal of the case should not operate against them because they were deprived of their right to due process when they were indefinitely suspended without the benefit of a formal charge which is sufficient in form and substance.^[29] The respondents also point out that the thirty percent (30%) support requirement pursuant to Section 1, Rule XIV, Article I, Department Order No. 9, is not applicable to them because their complaint was primordially predicated on their suspension while the rest of the causes of action were mere collateral consequences of the principal cause of action.^[30]

It is worthy to note that the BLR-DOLE, in its Resolution dated 22 September 2000, underscored the negligence of herein petitioners not only in the submission of their pleadings but also in attending the hearings called for the purpose.^[31] Even the Court of Appeals, in its decision, made this observation, thus:

It is apparent, however, that petitioners were to blame for their predicament. They repeatedly failed to appear in a series of conferences scheduled by the DOLE-NCR, asked for resetting of hearings, and requested for extension of time to file its answer. Hence, when they again did not attend a hearing on a date they themselves asked for, private respondents (complainants therein) moved for the submission of the case based on their complaint, position paper and annexes attached thereto.

When DOLE-NCR directed the parties to submit their respective position papers, petitioners again moved for extension of time to file the same. When another notice was given to the parties to comply with the directive, petitioners prayed for another extension of time. (Private respondents, however, reiterated their earlier motion to have the case resolved based on available pleadings.) After six (6) months or so, petitioners finally filed not their position paper but their answer.^[32]

The Court of Appeals was justified in upholding the DOLE-NCR and BLR-DOLE decisions based on the complaint and answer. We cannot accept petitioners' line of reasoning that since no position papers were submitted, no decision may be made by the adjudicating body. As ruled by Regional Director Maximo B. Lim in his decision, the complaint and the answer thereto were adopted as the parties' position papers. Thereafter, the case shall be deemed submitted for resolution.^[33]

Labor laws mandate the speedy disposition of cases, with the least attention to technicalities but without sacrificing the fundamental requisites of due process.^[34] The essence of due process is simply an opportunity to be heard.^[35] In this case, it cannot be said that there was a denial of due process on the part of the petitioners because they were given all the chances to refute the allegations of the private respondents, and the delay in the proceedings before the DOLE-NCR was clearly attributable to them.

The argument that there was failure to exhaust administrative remedies cannot be sustained. One of the instances when the rule of exhaustion of administrative remedies may be disregarded is when there is a violation of due process.^[36] In this case, the respondents have chronicled from the very beginning that they were indefinitely suspended without the benefit of a formal charge sufficient in form and substance. Therefore, the rule on exhaustion of administrative remedies cannot squarely apply to them.

On the matter concerning the 30% support requirement needed to report violations of rights and conditions of union membership, as found in the last paragraph of Article 241 of the Labor Code,^[37] we likewise cannot sanction the petitioners. We have already made our pronouncement in the case of *Rodriguez vs. Director, Bureau of Labor Relations*^[38] that the 30% requirement is not mandatory. In this case, the Court, speaking through Chief Justice Andres R. Narvasa,^[39] held in part:

The respondent Director's ruling, however, that the assent of 30% of the union membership, mentioned in Article 242 of the Labor Code, was mandatory and essential to the filing of a

complaint for any violation of rights and conditions of membership in a labor organization (such as the arbitrary and oppressive increase of union dues here complained of), cannot be affirmed and will be reversed. The very article relied upon militates against the proposition. It states that a report of a violation of rights and conditions of membership in a labor organization may be made by “(a)t least thirty percent (30%) of all the members of a union or any member or members specially concerned.” The use of the permissive “may” in the provision at once negates the notion that the assent of 30% of all the members is mandatory. More decisive is the fact that the provision expressly declares that the report may be made, alternatively by “any member or members specially concerned.” And further confirmation that the assent of 30% of the union members is not a factor in the acquisition of jurisdiction by the Bureau of Labor Relations is furnished by Article 226 of the same Labor Code, which grants original and exclusive jurisdiction to the Bureau, and the Labor Relations Division in the Regional Offices of the Department of Labor, over “all inter-union and intra-union conflicts, and all disputes, grievances or problems arising from or affecting labor management relations,” making no reference whatsoever to any such 30%-support requirement. Indeed, the officials mentioned are given the power to act “on all inter-union and intra-union conflicts (1) “ upon request of either or both parties” as well as (2) “at their own initiative.”

Second Issue: was the election held on 07 April 2000 valid or a nullity?

This issue arose from the fact that the original decision of the DOLE-NCR dated 22 November 1999, ordered petitioners, among other things, to “immediately hold/conduct an election of officers . . .” Petitioners, it must be recalled, appealed from the DOLE-NCR decision to the BLR-DOLE. During the pendency of the appeal, however, an election of officers was held on 07 April 2000. Subsequently, the BLR-DOLE affirmed the decision of the DOLE-NCR, but with the pronouncement that “the supposed election conducted on (07) April 2000 is null and void and cannot produce legal effects adverse to appellants.”^[40]

The petitioners contend that since the election was held on 07 April 2000, and the original complaint before the DOLE-NCR was filed on 01 December 1997, the former could not have been the subject of the complaint. There was, according to petitioners, reversible error in the BLR-DOLE's adding to the DOLE-NCR's decision, the nullification of the 07 April 2000 election. The BLR-DOLE should have limited itself to affirming, modifying or setting aside and canceling the provisions of the dispositive portion of the DOLE-NCR's decision which was subject of the appeal. The election was held because the term of the petitioners (extended for five years under Republic Act No. 6715)^[41] expired on 07 April 2000. As amended by Republic Act 6715, paragraph (c) of Article 241 of the Labor Code now reads:

(c) The members shall directly elect their officers in the local union, as well as their national officers in the national union or federation to which they or their local union is affiliated, by secret ballots at intervals of five (5) years.

It just so happened that the holding of the election coincided with the DOLE-NCR decision.^[42]

The private respondents, in answer to this, point out that the 07 April 2000 election, as appearing in the 22 September 2000 Resolution of the BLR-DOLE, was set aside not on the flimsy reason that there was no complaint to invalidate it, but due to the appeal of the petitioners questioning the BLR-DOLE's order. The appeal effectively suspended the effect of the DOLE-NCR Regional Director's order for the immediate holding of election of officers in accordance with the union's constitution and by-laws.^[43]

On this matter, the Court of Appeals made the following observation:

Consequently, the Regional Director of DOLE-NCR erred in ordering the immediate holding of election of officers of UEEA, and the Bureau of Labor Relations (BLR)-Department of Labor and Employment, insofar as it affirmed this particular order, committed an act amounting to grave abuse of discretion.

Nonetheless, despite of this finding, the election of UEEA officers on 7 April 2000 cannot acquire a semblance of legality. First, it was conducted pursuant to the aforesaid (erroneous) order of the Regional Director as manifested by the petitioners. Second, it was purposely done to pre-empt the resolution of the case by the BLR and to deprive private respondents their substantial right to participate in the election. Third, petitioners cannot be allowed to take an inconsistent position to later on claim that the election of 7 April 2000 was held because it was already due while previously declaring that it was made in line with the order of the Regional Director, for this would go against the principle of fair play.

Thus, while the BLR was wrong in affirming the order of the Regional Director for the immediate holding of election, it was right in nullifying the 7 April 2000 UEEA election of officers. It was simply improper for the petitioners to implement the said order which was then one of the subjects of their appeal in the BLR. To hold otherwise would be to dispossess the BLR of its inherent power to control the conduct of the proceedings of cases pending before it for resolution.^[44]

Based on the prevailing facts of this case, we affirm the foregoing findings of the court a quo. We cannot hold the election of 07 April 2000 valid as this would make us condone an iniquitous act. Said election was perceptibly done to hinder any resolution or decision that would be made by BLR-DOLE. The Regional Director indeed ordered the immediate holding of an election in its Order dated 22 November 1999. The records show that the petitioners questioned this order of the Regional Director before the BLR-DOLE by way of appeal,^[45] and yet, they conducted the election, allegedly because it was due under Republic Act No. 6715. Why this was done by the petitioners escapes us. But as rightfully observed by the BLR-DOLE:

Indeed, it is obvious that the general membership meeting and election of officers was done purposely to pre-empt our resolution of this case and, more importantly, the participation of appellees in the election. This cannot be tolerated.^[46]

Third Issue: was the indefinite suspension of the private respondents illegal?

We rule in the affirmative.

The petitioners posit the theory that the records do not support the findings of the BLR-DOLE that no investigation was conducted making the suspension illegal because of lack of due process.

It is best to remind the petitioners that this Court, as we have held in a long line of decisions, is not a trier of facts.^[47] The instant case is a petition for review on certiorari^[48] where only questions of law may be raised. The exceptions^[49] to this rule find no application here. This being the case, the findings of fact of the DOLE-NCR and the BLR-DOLE as affirmed by the Court of Appeals to the effect that no investigation was conducted, shall not be disturbed. As properly held by the court a quo:

Petitioners have failed to show that the findings of facts and conclusions of law of both the DOLE-NCR and BLR-DOLE were arrived at with grave abuse of discretion or without substantial evidence. A careful review of the pleadings before Us reveals that the decision and resolutions of the concerned agencies were correctly anchored in law and on substantial evidence.^[50]

Fourth Issue: is the non-holding of meetings and non-submission of reports by the petitioners moot and academic, and whether the decision to hold meetings and submit reports contradict and override the sovereign will of the majority?

We do not believe so.

This issue was precipitated by the Court of Appeals decision affirming the order of DOLE Regional Director Maximo B. Lim for the petitioners to hold a general membership meeting wherein they make open and available the union's/association's books of accounts and other documents pertaining to the union funds, and to regularly conduct special and general membership meetings in accordance with the union's constitution and by-laws.^[51] It is to be recalled that the private respondents, when they filed a complaint before the DOLE-

NCR also complained of petitioners' refusal to render financial and other reports, and deliberate refusal to call general and special meetings.

Petitioners do not hide the fact that they belatedly submitted their financial reports and the minutes of their meetings to the DOLE. The issue of belatedly submitting these reports, according to the petitioners, had been rendered moot and academic by their eventual compliance. Besides, this has been the practice of the association.^[52] Moreover, the petitioners likewise maintain that the passage of General Assembly Resolution No. 10 dated 10 December 1997 and Resolution No. 8, Series of 2000, following the application of the principle that the sovereign majority rules, cured any liability that may have been brought about by their belated actions.^[53]

As found by the Court of Appeals, the financial statements for the years 1995 up to 1997 were submitted to DOLE-NCR only on 06 February 1998 while that for the year 1998 was submitted only on 16 March 1999.^[54] The last association's meeting was conducted on 21 April 1995, and the copy of the minutes thereon was submitted to BLR-DOLE only on 24 February 1998.

The passage of General Assembly Resolution No. 10 dated 10 December 1997 and Resolution No. 8, Series of 2000,^[55] which supposedly cured the lapses committed by the association's officers and reiterated the approval of the general membership of the acts and collateral actions of the association's officers cannot redeem the petitioners from their predicament. The obligation to hold meetings and render financial reports is mandated by UEEA's constitution and by-laws. This fact was never denied by the petitioners. Their eventual compliance, as what happened in this case, shall not release them from the obligation to accomplish these things in the future.

Prompt compliance in rendering financial reports together with the holding of regular meetings with the submission of the minutes thereon with the BLR-DOLE and DOLE-NCR shall negate any suspicion of dishonesty on the part of UEEA's officers. This is not only true with UEEA, but likewise with other unions/associations, as this matter is imbued with public interest. Undeniably, transparency

in the official undertakings of union officers will bolster genuine trade unionism in the country.

WHEREFORE, in view of all the foregoing, the Decision and Resolution of the Court of Appeals subjects of the instant case, are affirmed. Costs against the petitioners.

SO ORDERED.

Puno, J., (Chairman), Austria-Martinez and Callejo, Sr., JJ., concur.
Tinga, J., no part.

- [1] Rollo, pp. 191-204; penned by Associate Justice Jose L. Sabio, Jr., with Associate Justices Perlita J. Tria Tirona and Mariano C. Del Castillo concurring.
- [2] Rollo, pp. 205-207.
- [3] BLR-DOLE Resolution dated 22 September 2000, pp. 1-2; CA Rollo, unnumbered and page 66.
- [4] CA Rollo, p. 66.
- [5] CA Rollo, p. 99.
- [6] CA Rollo, pp. 100-105.
- [7] CA Rollo, p. 123.
- [8] Rollo, p. 193.
- [9] Rollo, p. 89.
- [10] CA Rollo, pp. 122-127.
- [11] CA Rollo, p. 188.
- [12] Rollo, pp. 50-67.
- [13] Rollo, pp. 88-92.
- [14] Rollo, p. 22.
- [15] Rollo, pp. 93-108.
- [16] Rollo, pp. 109-112.
- [17] Rule 65, 1997 Rules of Civil Procedure.
- [18] Rollo, p. 140.
- [19] Rollo, pp. 141-151.
- [20] Rollo, p. 152.
- [21] Rollo, pp. 191-203.
- [22] Rollo, pp. 153-174.
- [23] Rollo, pp. 205-207.
- [24] Rule 45, 1997 Rules of Civil Procedure.
- [25] Rollo, pp. 13-14.
- [26] Rollo, p. 254.
- [27] Rollo, pp. 15-17.

- [28] Respondents' Memorandum, pp. 5-6.
- [29] Rollo, p. 224.
- [30] Ibid.
- [31] Rollo, p. 90.
- [32] Rollo, p. 138.
- [33] Section 3, Rule XIV, Department Order No. 9, Department of Labor and Employment.
- [34] Reyes vs. Court of Appeals, G.R. No. 154448, 15 August 2003, 409 SCRA 267.
- [35] Allied Banking Corp. vs. Court of Appeals, G.R. No. 144412, 18 November 2003, 416 SCRA 65.
- [36] Information Technology Foundation of the Phils. vs. Commission on Elections, G.R. No. 159139, 13 January 2004, 419 SCRA 141, citing Paat vs. Court of Appeals, G.R. No. 111107, 10 January 1997, 266 SCRA 167.
- [37] ART. 241. RIGHTS AND CONDITIONS OF MEMBERSHIP IN A LABOR ORGANIZATION.

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Any violation of the above rights and conditions of membership shall be a ground for cancellation of union registration or expulsion of officer from office, whichever is appropriate. At least thirty percent (30%) of all the members of a union or any member or members specially concerned may report such violation to the Bureau. The Bureau shall have the power to hear and decide any reported violation to mete the appropriate penalty.

- [38] G.R. Nos. L-76579-82 and L-80504, 31 August 1988, 165 SCRA 239.
- [39] Chief Justice Andres R. Narvasa was an Associate Justice when the case Rodriguez vs. Director, Bureau of Labor Relations (Ibid.) was decided by the Supreme Court.
- [40] CA Rollo, p. 69.
- [41] An Act to Extend Protection to Labor, Strengthen the Constitutional Rights of Workers to Self Organization, Collective Bargaining and Peaceful Concerted Activities, Foster Industrial Peace and Harmony, Promote the Preferential Use of Voluntary Modes of Settling Disputes, and Reorganize the National Labor Relations Commission, Amending for These Purposes Certain Provisions of Presidential Decree No. 442, As Amended, Otherwise Known as the Labor Code of the Philippines, Appropriating Funds Therefor, and for Other Purposes.
- [42] Rollo, pp. 17-18.
- [43] Rollo, pp. 224-225.
- [44] CA Resolution dated 15 February 2002; Rollo, pp. 206-207.
- [45] Rollo, pp. 68-86.
- [46] Rollo, pp. 91-92.
- [47] Sesbreño vs. Central Board of Assessment Appeals, G.R. No. 106588, 24 March 1997, 270 SCRA 360; San Miguel Foods, Inc.- Cebu B-Meg Feed Plant vs. Laguesma, G.R. No. 116172, 10 October 1996, 263 SCRA 68; Mafinco Trading Corp. vs. Ople, G.R. No. L-37790, 25 March 1976, 70 SCRA 139; Chemplex (Philippines) Inc. vs. Pamatian, G.R. No. L-37427, 25 June 1974, 57 SCRA 408.

- [48] Rule 45, 1997 Rules of Civil Procedure.
[49] Bank of the Philippine Islands vs. Leobrera, G.R. No. 137147-48, 18 November 2003, 416 SCRA 15.
[50] Rollo, p. 195.
[51] CA Rollo, p. 269.
[52] Rollo, pp. 21-22.
[53] Ibid.
[54] Rollo, p. 201.
[55] Rollo, pp. 258-259.