

FIRST DIVISION

[G.R. No. 108475, June 09, 1997]

GAMALIEL DINIO, ERNESTO MANGAHAS, EDGAR S. VINSON AND PARTY FOR REFORM, PETITIONERS, VS. HON. BIENVENIDO E. LAGUESMA, UNDERSECRETARY OF THE DEPARTMENT OF LABOR & EMPLOYMENT, THE COMMITTEE ON ELECTION, REPRESENTED BY DANILO PICADIZO, THE NATIONAL OFFICERS OF PCIBANK EMPLOYEES UNION, THE MEMBERS OF THE COMELEC-PCIBEU, RESPONDENTS.

D E C I S I O N

KAPUNAN, J.:

Before us is a petition for *certiorari* under Rule 65 of the Revised Rules of Court questioning the decision and resolution of public respondent Undersecretary of Labor in OS-MA-A-7-138-92 dated 11 August 1992 and 11 December 1992, respectively, granting the appeal filed by the private respondents.

The instant controversy arose from the following facts:

Following the expiration of the terms of office of the incumbent officers of the PCIBank Employees Union (PCIBEU) and in accordance with the latter's constitution & by-laws, the election of a new set of union officers was scheduled on 31 January 1992.

Two union parties emerged to vie for the various officer positions -- the Party for Progress and Unity (PPU) headed by Elmer Nanadiego and the Party for Reform (PFR) whose standard bearer was petitioner Gamaliel Dinio.

To supervise the upcoming elections, a Committee on Election was formally formed by the PCIBEU Board of Directors through a Board Resolution adopted during the special meeting held on 28 November 1991. The members of the said committee were:

DANILO PICADIZO Chairman

ROMAN DE GUZMAN Member

GERARDO MALAVEGA Member ^[1]

The aforesaid resolution was signed by all the members of the board except for Gamaliel Dinio, Edgar Vinson and Dominador Domingo.

Thereafter on 6 January 1992, the incumbent PCIBEU President, Elmer Nanadiego, penned a letter addressed to all union members informing them of the scheduled union elections and the formation of the Committee on Election (PCIBEU-Comelec).

[2]

On 8 January 1992, the PCIBEU-Comelec Chairman, Danilo Picadizo, sent a letter to the management of PCIBank informing them of the upcoming elections. In the same letter the PCIBEU-Comelec requested the bank for assistance in the form of available space and various election paraphernalia.^[3] PCIBEU-Comelec Chairman Picadizo, likewise, wrote the Regional Director of the Department of Labor and Employment — NCR (DOLE) Atty. Bernardino Julve requesting the presence of DOLE representatives on election day for the purpose of ensuring clean and honest elections.^[4]

On the same date, the PCIBEU-Comelec issued the Election Guidelines:

January 8, 1992

ELECTION GUIDELINES

1. The Union elections will be held on January 31, 1992, from 9 a.m. to 5 p.m. In the head office, the elections will be conducted at the Employees Canteen, 6th Floor; in the branches, the same will be held in an acceptable place to be agreed upon between the branch manager and the Union representatives. The elections will be held simultaneously in the head office and in all branches nation-wide.
2. Representatives from the Department of Labor and Employment will be invited to assist in the conduct of the elections up to the counting of the ballots cast. Proclamation of the winners will be made by the Chairman, Committee on Elections as soon as the canvass is terminated.
3. The election canvass will be conducted at the Employees Canteen, 6th Floor in the head office and in the branches nation-wide as soon as the ballot boxes are closed at 5 p.m., January 31, 1992. Results in the branches will be forwarded to the Union Comelec, c/o Union Office, in the proper form(s) to be distributed for the purpose. Canvassing will be made at the Head Office.
4. The positions open to be contested are:
 1. President
 2. Executive Vice-President
 3. Vice-President - External
 4. Vice President - Internal
 5. Vice President - Education and Research
 6. Secretary
 7. Treasurer

8. Auditor
9. Press Relation Officer I
10. Press Relation Officer II
11. Asst. Secretary
12. Asst. Treasurer
13. Asst. Auditor
14. Six Members of the Board of Directors

5. All Union members as of December 31, 1991, as indicated in the management print-out will be eligible to run for any position above. Likewise, all these Union members will be the registered voters for purposes of the elections.

6. Deadline for the submission of Certificate(s) of Candidacy, either as individual candidates or as candidates of a party will be January 17, 1992, at 4:30 p.m. to the Union Office or to any member of the Union Comelec. Candidates from the branches can send their Certificate(s) of Candidacy by mail or by wire. The deadline will be reckoned from the date stamped for delivery. A Candidacy, whether individual or by party, must be confirmed by the signature of the Candidate.

7. All other procedures generally accepted in the practice of elections will be followed to ensure democratic processes.

PROMULGATED this 8th day of January, 1992, Makati, Metro Manila.^[5]

Thereafter, the two contesting parties PFR and PPU announced the names of their respective candidates, filed the corresponding certificates of candidacy and the election campaign commenced.

However, two days before election day or on 29 January 1992, PFR filed with the BLR a petition for injunction with prayer for issuance of temporary restraining order against the PCIBEU-Comelec (docketed as NCR-OD-M-92-01-119). The party alleged that the PCIBEU-Comelec was not validly constituted; that said committee failed to issue the necessary election guidelines; that official ballots were dispatched to the provincial branches without the knowledge of PFR; and that there is reasonable ground to believe that the elections will be rigged in favor of the other party. PFR, thus, prayed that the PCIBEU-Comelec be enjoined from supervising and administering the union elections; that the BLR create a special team to supervise the elections; and that the elections be moved to another date.^[6]

On 30 January 1992, Med-Arbiter Paterno D. Adap granted the temporary restraining order prayed for. The order read, thus:

Considering the urgency and seriousness of the issues raised by petitioners in the above-entitled case, and considering further the Injunction with Prayer of Issuance of Temporary Restraining Order in their petition copy of which is hereto attached; and considering furthermore, the time element involved in this case, so as not to render petitioners' petition moot and academic and in order to protect the rights of the parties/litigants, you respondents, (sic) The Committee on Election herein Represented by Danilo Picadizo, or any of your authorized representatives acting for and in your behalf are hereby directed to cease and desist from holding general election of PCIB Employees Union Officers on January 31, 1992, until further ordered by this Office.

SO ORDERED.^[7]

Only the elections in Metro Manila, however, was suspended. In the provincial branches, the union elections proceeded as scheduled.

Subsequently, the PCIBEU-Comelec responded by filing an Urgent Motion to Dissolve Restraining Order and to Deny Petition for Issuance of Writ of Injunction dated 2 February 1992.^[8]

On 21 February 1992, the PCIBEU-Comelec issued a circular re-scheduling the union elections in Metro Manila to 28 February 1992^[9] on grounds that the 20-day life span of the temporary restraining order had lapsed.

After the elections in Manila were finally held and the over-all results canvassed, the names of the elected union officers were declared, thus:

President	ELMER NANADIEGO
Exec. Vice Pres.	LORENZO CALLEJO
VP-Internal	FILIFRANCO SISON
VP-External	NESTOR NERBES
VP-Educ. & Research	RAMONA BANSUAN
Secretary	NERISSA ESPIRITU SANTO
Asst. Sec.	DOLORES PELAYO
Treasurer	ELIZABETH HOLLERO
Asst. Treasurer	JUANITA SIMPAO
Auditor	JOSEPHINE ONG
Asst. Auditor	BENJAMIN QUIAMBAO
PRO-1	LUIS BATO

PRO-2

SUSAN CASTRO

Directors

REMUEL CAPISTRANO

GERARDO ORIANO

DESIDERIO MAGTIBAY

TEODORO FISICO

CRIS ABISTADO

CARL HARN^[10]

On 3 March 1992, PFR filed another petition, docketed as Case No. NCR-0D-M-9203-018, for the Issuance of Writ of Injunction with Motion to Cite the Members of Comelec-PCIBEU in Contempt and Nullification of the Illegally Conducted Union Election against the national officers of the PCIBank Employees Union, the members of the Comelec-PCIBEU and the PCIBank. It argued in the main that the elections held were invalid. The provincial elections pushed through despite the temporary restraining order and the Manila elections were held even though the temporary restraining order has not been lifted by the Med-Arbiter.^[11] PFR, thus, prayed for the following:

WHEREFORE, premises considered, it is respectfully prayed that, after due hearing, an Order be promulgated:

- a) nullifying the results of the election and proclamation of the alleged winning candidates;
- b) enjoining the National Officers of PCIBank Employees Union from governing the union and administering its union funds;
- c) ordering respondent Philippine Commercial International Bank from not releasing its assessed union funds to respondent National Officers;
- d) citing the respondents members of COMELEC in contempt of this Honorable Office.

Other reliefs as are just and equitable under the premises are, likewise, prayed for.^[12]

On 5 March 1992, PCIBEU-Comelec filed a Motion to Dismiss the aforestated petition on grounds that the same has become moot and academic due to the lapse of the 20-day period of effectivity of the temporary restraining order.^[13]

Case No. NCR-OD-M-9203-018 was consolidated with the earlier case, Case No. NCR-OD-M-9201-119, and on 21 April 1992, Med-Arbiter Adap issued an order, the dispositive portion of which reads thus:

WHEREFORE, premises considered, judgment is hereby rendered declaring that the elections of PCIBEU Officers conducted on January 31,