344 Phil. 67

THIRD DIVISION

[G.R. No. 104692, September 05, 1997]

KATIPUNAN NG MGA MANGGAGAWA SA DAUNGAN (KAMADA), PETITIONER, VS. HON. PURA FERRER-CALLEJA AND ASSOCIATED SKILLED AND TECHNICAL EMPLOYEES UNION (ASTEUO), RESPONDENTS.

D E C I S I O N

PANGANIBAN, J.:

May a new labor union be organized and granted registration during the lifetime of a collective bargaining agreement (CBA) between the company and another union?

The Case

This is the simple query brought before this Court by Petitioner Katipunan ng mga Manggagawa sa Daungan (KAMADA) via a petition[1] for certiorari under Rule 65 of the Rules of Court assailing the Order[2] dated February 27, 1992 of Public Respondent Pura Ferrer-Calleja, Director of the Bureau of Labor Relations (BLR), in BLR Case No. A-4-12-91 (NCR-0D-M-90-10-007) which reversed the resolution[3] of Med-Arbiter Edgardo De la Cruz. Public respondent disposed as follows:[4]

> WHEREFORE, premises considered, this Office having found that no ground exists for the cancellation of the union registration of ASTEOU [sic], the decision of Med-Arbiter de la Cruz is hereby reversed. Let, therefore, the certificate of registration of ASTEOU [sic] (Associated Skilled and Technical Employees Union of OTSI) be reinstated in the registry of Unions."

The subsequent "appeal" filed by the counsel for the petitioner was treated as a motion for reconsideration and denied in the other assailed Order[5] dated March 20, 1992. Hence, this petition before us.

The Facts

Petitioner claims to be the sole and exclusive bargaining agent for all workers in Ocean Terminal Services, Inc. (OTSI).[6] After a certification election, it concluded a collective bargaining agreement with the company. Soon thereafter, in September 1990, private respondent union (ASTEUO) -- allegedly composed also of OTSI workers -- was registered.

Upon learning of such fact, Petitioner KAMADA filed a suit to cancel the registration of ASTEUO on the ground that the latter's members were already covered by the existing collective bargaining agreement. Private respondent, on the other hand, claimed that its existence as a union could not be disturbed, as its registration was

made during the freedom period when there was no collective bargaining agreement concluded as yet.

Private respondent's registration was cancelled by the med-arbiter in his resolution dated November 27, 1990, finding that the "organization of another union covering the same workers can no longer be considered as a labor protective [sic] activity under P.D. 1391"[7] and that "this will even be against the present policy of one union in one company."[8]

Private respondent appealed to the Bureau of Labor Relations. As earlier stated, Public Respondent Pura Ferrer-Calleja, director of the said office, reversed the decision of the med-arbiter and denied the subsequent motion for reconsideration.

The Issue

Petitioner accuses public respondent of "grave abuse of discretion amounting to lack of jurisdiction and gross ignorance of the law." It argues that private respondent, contrary to Section 4 (f), Rule II, Book V of the Rules Implementing the Labor Code, obtained its union registration "beyond the last sixty (60) days of the existing CBA," and "after participating in the certification election" where it lost.

More specifically, petitioner raises in its Memorandum dated May 3, 1993, the following three grounds to reverse public respondent's Order:[9]

> 1. That there was already an existing certified bargaining agent when it obtained its registration;
>
> "2. The same cannot be considered as a labor productive activity under PD 1391; and
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> "3. It is against the policy of one union in one company."

The Court's Ruling

Petitioner's contentions are utterly devoid of merit.

First Issue: Timeliness of Registration

We quote hereunder public respondent's disquisition which clearly shows the untenable position of petitioner:[10]

> A perusal of the arguments advanced in this suit shows that some clarification is necessary regarding the present laws on union registration. First, nowhere does the law contemplate or even intimate that once a union of a bargaining unit has registered with the DOLE, this prevents all other would-be union from registering. The reasons are obvious. To establish such a rule would render superflous (sic) certification elections, and would establish in perpetuity anyone who had the good fortune, means or scheme to beat everyone else to the punch.

> Second, in order to establish order and effectively exercise this right, certain policies have been instituted. One such policy, taken from letter (f) of Section 4 of Rule II of Book V of the Implementing Rules of the Labor Code, is that applications for union registration are not valid if filed within one year from certification elections and/or are done during the effectivity of a CBA unless filed within the freedom period.
>
> "Anent the above, and the facts of this case, ASTEOU's [sic] union registration issued last September, 1990 cannot be assailed. The period of prohibition of union registration in relation to certification elections starts from the final proclamation of certification election results in a final decision of the DOLE or the Supreme Court. In the present case, the Order of the Secretary of DOLE was issued last October 31, 1990, a month after the registration of ASTEOU [sic]. Moreover, KAMADA's previous CBA expired on March 23, 1989, while its new CBA was not signed until April 25, 1991."

It is settled that factual findings of quasi-judicial agencies, like the Labor Department,[11] which have acquired expertise in matters entrusted to their jurisdiction, are accorded by this Court not only respect but finality if supported by substantial evidence. Substantial evidence refers to that amount of relevant evidence which a reasonable mind may accept as adequate to justify a conclusion. [12]

In this case, the findings of the public respondent, particularly those on the dates of the registration and the signing of the CBA, are supported by substantial evidence. In fact, petitioner does not even contradict these findings.

Having ruled on the factual findings, we now take up the relevant labor regulations. Section 3, Rule V, Book V of the Omnibus Rules Implementing the Labor Code,[13] prohibits not the registration of a new union but the holding of a certification election "within one year from the date of issuance of a final certification election result." Clearly, private respondent's registration is not covered by the prohibition. In any event, the union registration was effected in September 1990, a month before the secretary of labor issued his decision on the result of the certification election on October 31, 1990. Hence, there was yet no certified bargaining agent when the private respondent was registered as a union.

Second Issue: Labor Productive Activity

Petitioner argues that private respondent's registration cannot be considered a "labor productive activity" under PD 1391, specifically under paragraph 6 thereof which reads:

> 6. No petitions for certification election, for intervention or disaffiliation shall be entertained or given due course except within the 60-day freedom period immediately preceding the expiration of a collective bargaining agreement."

Very clearly, the foregoing provision does not help petitioner. It has nothing to do with the registration of a union. It deals only with petitions for certification election,