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THIRD DIVISION

[G.R. No. 196276, June 04, 2014]

TAKATA (PHILIPPINES) CORPORATION, PETITIONER, VS. BUREAU OF LABOR RELATIONS AND SAMAHANG LAKAS MANGGAGAWA NG TAKATA (SALAMAT), RESPONDENTS.

D E C I S I O N

PERALTA, J.:

Before us is a petition for review on *certiorari* filed by petitioner TAKATA Philippines Corporation assailing the Decision[1] dated December 22, 2010 and the Resolution[2] dated March 28, 2011 of the Court of Appeals in CA-G.R. SP No. 112406.

On July 7, 2009, petitioner filed with the Department of Labor and Employment (*DOLE*) Regional Office a Petition[3] for Cancellation of the Certificate of Union Registration of Respondent Samahang Lakas Manggagawa ng Takata (*SALAMAT*) on the ground that the latter is guilty of misrepresentation, false statement and fraud with respect to the number of those who participated in the organizational meeting, the adoption and ratification of its Constitution and By-Laws, and in the election of its officers. It contended that in the May 1, 2009 organizational meeting of respondent, only 68 attendees signed the attendance sheet, and which number comprised only 17% of the total number of the 396 regular rank- and-file employees which respondent sought to represent, and hence, respondent failed to comply with the 20% minimum membership requirement. Petitioner insisted that the document "Pangalan ng mga Kasapi ng Unyon" bore no signatures of the alleged 119 union members; and that employees were not given sufficient information on the documents they signed; that the document "Sama-Samang Pahayag ng Pagsapi" was not submitted at the time of the filing of respondent's application for union registration; that the 119 union members were actually only 117; and, that the total number of petitioner's employees as of May 1, 2009 was 470, and not 396 as respondent claimed.[4]

Respondent denied the charge and claimed that the 119 union members were more than the 20% requirement for union registration. The document "Sama-Samang Pahayag ng Pagsapi sa Unyon" which it presented in its petition for certification election[5] supported their claim of 119 members. Respondent also contended that petitioner was estopped from assailing its legal personality as it agreed to a certification election and actively participated in the pre-election conference of the certification election proceedings.[6] Respondent argued that the union members were informed of the contents of the documents they signed and that the 68 attendees to the organizational meeting constituted more than 50% of the total union membership, hence, a quorum existed for the conduct of the said meeting.[7]

On August 27, 2009, DOLE Regional Director, Atty. Ricardo S. Martinez, Sr., issued a Decision[8] granting the petition for cancellation of respondent's certificate of registration, the dispositive portion of which reads:

> WHEREFORE, from the foregoing considerations, the petition is hereby GRANTED. Accordingly, the respondent Union Certificate of Registration No. RO400A-2009-05-01-UR-LAG, dated May 19, 2009 is hereby REVOCKED (sic) and /or CANCELLED pursuant to paragraph (a) & (b), Section 3, Rule XIV of Department Order No. 40-03 and the Samahang Lakas ng Manggagawa ng TAKATA (SALAMAT) is hereby delisted from the roll of legitimate labor organization of this office.[9]

In revoking respondent's certificate of registration, the Regional Director found that the 68 employees who attended the organizational meeting was obviously less than 20% of the total number of 396 regular rank-and-file employees which respondent sought to represent, hence, short of the union registration requirement; that the attendance sheet which contained the signatures and names of the union members totalling to 68 contradicted the list of names stated in the document denominated as "Pangalan ng mga Kasapi ng Unyon." The document "Sama-Samang Pahayag ng Pagsapi" was not attached to the application for registration as it was only submitted in the petition for certification election filed by respondent at a later date. The Regional Director also found that the proceedings in the cancellation of registration and certification elections are two different and entirely separate and independent proceedings which were not dependent on each other.

Dissatisfied, respondent, through Bukluran ng Manggagawang Pilipino (*BMP*) Paralegal Officer, Domingo P. Mole, filed a Notice and Memorandum of Appeal[10] with the Bureau of Labor Relations (BLR). However, on September 28, 2009, respondent, through its counsels, Attys. Napoleon C. Banzuela, Jr. and Jehn Louie W. Velandrez, filed an Appeal Memorandum with Formal Entry of Appearance[11] to the Office of the DOLE Secretary, which the latter eventually referred to the BLR. Petitioner filed an Opposition to the Appeals[12] praying for their dismissal on the ground of forum shopping as respondent filed two separate appeals in two separate venues; and for failing to avail of the correct remedy within the period; and that the certificate of registration was tainted with fraud, misrepresentation and falsification.

In its Answer,[13] respondent claimed that there was no forum shopping as BMP's Paralegal Officer was no longer authorized to file an appeal on behalf of respondent as the latter's link with BMP was already terminated and only the Union President was authorized to file the appeal; and that it complied with Department Order No. 40-03.

On December 9, 2009, after considering respondent's Appeal Memorandum with Formal Entry of Appearance and petitioner's Answer, the BLR rendered its Decision[14] reversing the Order of the Regional Director, the decretal portion of which reads:

> **WHEREFORE**, the appeal is hereby **GRANTED**. The Decision of Regional Director Ricardo S. Martinez, Sr., dated 27 August 2009, is hereby **REVERSED** and **SET ASIDE.**
>
> Accordingly, Samahang Lakas Manggagawa ng TAKATA (SALAMAT) shall remain in the roster of labor organizations.[15]

In reversing, the BLR found that petitioner failed to prove that respondent deliberately and maliciously misrepresented the number of rank-and-file employees. It pointed out petitioner's basis for the alleged non-compliance with the minimum membership requirement for registration was the attendance of 68 members to the May 1, 2009 organizational meeting supposedly comprising only 17% of the total 396 regular rank-and-file employees. However, the BLR found that the list of employees who participated in the organizational meeting was a separate and distinct requirement from the list of the names of members comprising at least 20% of the employees in the bargaining unit; and that there was no requirement for signatures opposite the names of the union members; and there was no evidence showing that the employees assailed their inclusion in the list of union members.

Petitioner filed a motion for reconsideration, which was denied by the BLR in a Resolution[16] dated January 8, 2010.

Undaunted, petitioner went to the CA via a petition for certiorari under Rule 65.

After the submission of the parties' respective pleadings, the case was submitted for decision.

On December 22, 2010, the CA rendered its assailed decision which denied the petition and affirmed the decision of the BLR. Petitioner's motion for reconsideration was denied in a Resolution dated March 29, 2011.

Hence this petition for review filed by petitioner raising the following issues, to wit:

> THE HONORABLE COURT OF APPEALS COMMITTED GRAVE AND SERIOUS ERROR IN AFFIRMING THE DECISION OF PUBLIC RESPONDENT BLR AND NOT FINDING ANY VIOLATION BY SAMAHANG LAKAS MANGGAGAWA SA TAKATA (SALAMAT) OF THE RULE ON FORUM SHOPPING IN THE FILING OF TWO VERIFIED APPEALS FOR AND ITS BEHALF. BOTH OF THE APPEALS SHOULD HAVE BEEN DISMISSED OUTRIGHT BY PUBLIC RESPONDENT BLR, ON GROUND OF FORUM SHOPPING.
>
> THE HONORABLE COURT OF APPEALS SERIOUSLY ERRED IN FINDING THAT THE APPLICATION FOR REGISTRATION OF SAMAHANG LAKAS MANGGAGAWA SA TAKATA (SALAMAT) WAS COMPLIANT WITH THE LAW. CONSIDERING THE CIRCUMSTANCES OBTAINING IN THE REGISTRATION OF SALAMAT, IT IS CLEAR THAT THE SAME IS TAINTED WITH FRAUD, MISREPRESENTATION AND FALSIFICATION. SALAMAT DID NOT POSSESS THE REQUIRED NUMBER OF MEMBERS AT THE TIME OF FILING OF ITS APPLICATION FOR REGISTRATION, HENCE, IT SHOULD BE HELD GUILTY

> OF MISREPRESENTATION , AND FALSE STATEMENTS AND FRAUD IN CONNECTION THEREWITH.[17]

Anent the first issue, petitioner contends that respondent had filed two separate appeals with two different representations at two different venues, in violation of the rule on multiplicity of suits and forum shopping, and instead of dismissing both appeals, the appeal erroneously filed before the Labor Secretary was the one held validly filed, entertained and even granted; that it is not within the discretion of BLR to choose which between the two appeals should be entertained, as it is the fact of the filing of the two appeals that is being prohibited and not who among the representatives therein possessed the authority.

We are not persuaded.

We find no error committed by the CA in finding that respondent committed no forum shopping. As the CA correctly concluded, to wit:

> It is undisputed that BMP Paralegal Officer Domingo P. Mole was no longer authorized to file an appeal on behalf of union SALAMAT and that BMP was duly informed that its services was already terminated. SALAMAT even submitted before the BLR its "Resolusyon Blg. 01-2009" terminating the services of BMP and revoking the representation of Mr. Domingo Mole in any of the pending cases being handled by him on behalf of the union. So, considering that BMP Paralegal Officer Domingo P. Mole was no longer authorized to file an appeal when it filed the Notice and Memorandum of Appeal to DOLE Regional Office No. IV-A, the same can no longer be treated as an appeal filed by union SALAMAT. Hence, there is no forum shopping to speak of in this case as only the Appeal Memorandum with Formal Entry of Appearance filed by Atty. Napoleon C. Banzuela, Jr. and Atty. Jehn Louie W. Velandrez is sanctioned by SALAMAT.[18]

Since Mole's appeal filed with the BLR was not specifically authorized by respondent, such appeal is considered to have not been filed at all. It has been held that "if a complaint is filed for and in behalf of the plaintiff who is not authorized to do so, the complaint is not deemed filed. An unauthorized complaint does not produce any legal effect."[19]

Respondent through its authorized representative filed its Appeal Memorandum with Formal Entry of Appearance before the Labor Secretary, and not with the BLR. As the appeal emanated from the petition for cancellation of certificate of registration filed with the Regional Office, the decision canceling the registration is appealable to the BLR, and not with the Labor Secretary. However, since the Labor Secretary *motu propio* referred the appeal with the BLR, the latter can now act on it. Considering that Mole's appeal with the BLR was not deemed filed, respondent's appeal, through Banzuela and Associates, which the Labor Secretary referred to the BLR was the only existing appeal with the BLR for resolution. There is, therefore, no merit to petitioner's claim that BLR chose the appeal of Banzuela and Associates over Mole's appeal.

The case of *Abbott Laboratories Philippines, Inc. v. Abbott Laboratories Employees Union*[20] cited by petitioner is not at all applicable in this case as the issue therein is the authority of the Labor Secretary to review the decision of the Bureau of Labor Relations rendered in the exercise of its appellate jurisdiction over decision of the Regional Director in cases involving cancellations of certificate of registration of labor unions. We found no grave abuse of discretion committed by the Secretary of Labor in not acting on therein petitioner's appeal. The decision of the Bureau of Labor Relations on cases brought before it on appeal from the Regional Director are final and executory. Hence, the remedy of the aggrieved party is to seasonably avail of the special civil action of *certiorari* under Rule 65 and the Rules of Court. In this case, after the Labor Secretary *motu propio* referred respondent's appeal filed with it to the BLR which rendered its decision reversing the Regional Director, petitioner went directly to the CA via a petition for *certiorari* under Rule 65.

As to the second issue, petitioner seeks the cancellation of respondent's registration on grounds of fraud and misrepresentation bearing on the minimum requirement of the law as to its membership, considering the big disparity in numbers, between the organizational meeting and the list of members, and so misleading the BLR that it obtained the minimum required number of employees for purposes of organization and registration.

We find no merit in the arguments.

Art. 234 of the Labor Code provides:

> ART. 234. *Requirements of Registration*. - A federation, national union or industry or trade union center or an independent union shall acquire legal personality and shall be entitled to the rights and privileges granted by law to legitimate labor organizations upon issuance of the certificate of registration based on the following requirements:
>
> > (a) Fifty pesos (P50.00) registration fee;
> > (b) The names of its officers, their addresses, the principal address of the labor organization, the minutes of the organizational meetings and the list of the workers who participated in such meetings;
> > (c) In case the applicant is an independent union, the names of all its members comprising at least twenty percent (20%) of all the employees in the bargaining unit where it seeks to operate;
> > (d) If the applicant union has been in existence for one or more years, copies of its annual financial reports; and
> > (e) Four copies of the constitution and by-laws of the applicant union, minutes of its adoption or ratification, and the list of the members who participated in it."

And after the issuance of the certificate of registration, the labor organization's registration could be assailed directly through cancellation of registration proceedings in accordance with Articles 238 and 239 of the Labor Code. And the