

SECOND DIVISION

[G.R. No. 153799, September 17, 2012]

SOLIDBANK UNION, EVANGELINE J. GABRIEL, EVELYN A. SIA, TERESITA C. LUALHATI, ISAGANI P. MAKISIG, REY S. PASCUA, MA. VICTORIA M. VIDALLON, AUDREY A. ALJIBE, REY ANTHONY AMPARADO, JOSE A. ANTENOR,^[1] AUGUSTO D. ARANDIA, JR., RUTH SHIELA M. BAGADIONG, STEVE D. BERING, ALAN ROY I. BUYCO, MANOLO T. CABRERA, RACHEL^[2] M. CASTILLO, VICTOR O. CHUA, VIRGILIO CO, JR., LEOPOLDO DABAY, HUBERT DIMAGIBA, MA. LOURDES CECILIA EMPERADOR,^[3] FELIX B. ESTACIO, JR., JULIETA ESTRADA, MARICEL EVALLA, JOSE GUISADIO, ALEXANDER MARTINEZ, JOSEPHINE M. ONG, EDNA SARONG, GREGORIO S. SECRETARIO,^[4] ROSIE UY, ARVIN D. VALENCIA, FERMIN JOSEPH^[5] B. VENTURA, JR., EMMANUEL C. YAPTANGCO,^[6] ERNESTO C. ZUÑIGA, ALVIN E. BARICANOSA, GEORGE MAXIMO P. BARQUEZ, MA. ELENA G. BELLO, MICHAEL MATTHEW BILLENA, NEPTALI A. CADDARAO, FERDINAND MEL S. CAPULONG,^[7] MA. EDNA V. DATOR, RANIEL^[8] DAYAO, RAGCY L. DE GUZMAN, LUIS E. DELOS SANTOS, CAROLINA DIZON, JOCELYN L. ESTROBO, MINERVA S. FALLARME, HERNANE C. FERMOCIL, RACHEL B. FETIZANAN, SAMUEL A. FLORENTINO, JOEL S. GARMINO, LESTER MARK Z. GATCHALIAN, GONZALO GUINIT, FERDINAND S. HABIJAN, JUN HERNANDEZ, MA. ANGELA JALANDONI,^[9] MANUEL LIM, MA. LOURDES LIM, EMERSON LUNA, NOLASCO MACATANGAY, NORMAN MAÑACO, CHERRY LOU MANGROBANG, EDMUNDO MARASIGAN, ALLEN M. MARTINEZ, ARLENE P. NOBLE, SHIRLEY ONG, LOTIZ E. ORTIZ LUIS, PABLITO PALO, GEOFFREY PRADO, OMEGA MELANIE QUINTANO, AGNES A. RAMIREZ, RICARDO D. RAMIREZ, DANIEL O. RAQUEL, RAMON REYES, SALVACIO ROGADO, ELMOR R. ROMANA, JR., LOURDES U. SALVADOR, ELMER S. SAYLON, BENNARD SIMBULAN, MA. LOURDES ROCEL SOLIVEN, EMILY^[10] C. SUYAT, RAYMOND^[11] D. TANAY, JOCELYN Y. TAN, CANDIDO G. TISON, MA. THERESA^[12] O. TISON, EVELYN T. UYLANGCO, MERVIN S. BAUTISTA, LEOPOLDO DE LA ROSA, DOROTEO FROILAN AND JULIETE L. JUBAC, PETITIONERS, VS. METROPOLITAN BANK AND TRUST COMPANY, RESPONDENT.

[G.R. NO. 157169]

METROPOLITAN BANK AND TRUST COMPANY, PETITIONER, VS. SOLIDBANK UNION, EVANGELINE J. GABRIEL, EVELYN A. SIA, TERESITA C. LUALHATI, ISAGANI P. MAKISIG, REY S. PASCUA,

MA. VICTORIA M. VIDALLON, AUDREY A. ALJIBE, REY ANTHONY AMPARADO, JOSE A. ANTENOR, AUGUSTO D. ARANDIA, JR., RUTH SHIELA M. BAGADIONG, STEVE D. BERING, ALAN ROY I. BUYCO, MANOLO T. CABRERA, RACHEL M. CASTILLO, VICTOR O. CHUA, VIRGILIO Y. CO, JR., LEOPOLDO S. DABAY, HUBERT V. DIMAGIBA, MA. LOURDES CECILIA B. EMPARADOR, FELIX B. ESTACIO, JR., JULIETA T. ESTRADA, MARICEL G. EVALLA, JOSE G. GUIADIO, ALEXANDER A. MARTINEZ, JOSEPHINE M. ONG, EDNA M. SARONG, GREGORIO S. SECRETARIO, ROSIE C. UY, ARVIN D. VALENCIA, FERMIN JOSEPH B. VENTURA, JR., EMMANUEL C. YAPTANCO, ERNESTO C. ZUÑIGA,^[13] ALVIN E. BARICANOSA, GEORGE MAXIMO P. BARQUEZ, MA. ELENA G. BELLO, MICHAEL MATTHEW B. BILLENA, LEOPE L. CABENIAN, NEPTALI A. CADDARAO, FERDINAND MEL S. CAPULING, MARGARETTE B. CORDOVA, MA. EDNA V. DATOR, RANIEL C. DAYAO, RAGCY L. DE GUZMAN, LUIS E. DELOS SANTOS, CAROLINA C. DIZON, MARCHEL S. ESQUEJO,^[14] JOCELYN L. ESTROBO, MINERVA S. FALLARME, HERNANE C. FERMOCIL, RACHEL B. FETIZANAN, SAMUEL A. FLORENTINO, MENCHIE R. FRANCISCO, JOEL S. GARMINO, LESTER MARK Z. GATCHALIAN, MA. GONZALO G. GUNIT, FERDINAND S. HABIJAN, JUN G. HERNANDEZ, LOURDES D. IBEAS, MA. ANGELA L. JALANDONI, JULIE T. JORNACION, MANUEL C. LIM, MA. LOURDES A. LIM, EMERSON V. LUNA, NOLASCO B. MACATANGAY, NORAMN C. MANACO, CHERRY LOU B. MANGROBANG, MARASIGAN G. EDMUNDO, ALLEN M. MARTINEZ, EMELITA C. MONTANO, ARLENE P. NOBLE, SHIRLEY A. ONG, LOTIZ E. ORTIZ LUIS, PABLITO M. PALO, GEOFFREY T. PRADO, OMEGA MELANIE M. QUINTANO, AGNES A. RAMIREZ, RICARDO D. RAMIREZ, DANIEL O. RAQUEL, RAMON B. REYES, SALVACIO N. ROGADO, ELMOR R. ROMANA, JR., LOURDES U. SALVADOR, ELMER S. SAYLON, BENHARD E. SIMBULAN, MA. TERESA S. SOLIS, MA. LOURDES ROCEL E. SOLIVEN, EMILY C. SUYAT, RAYMOND D. TANAY, JOCELYN Y. TAN, CANDIDO G. TISON, MA. THERES O. TISON, EVELYN T. UYLANGCO, MERVIN S. BAUTISTA, LEOPOLDO V. DE LA ROSA, DOROTEO S. FROILAN, JULIETE L. JUBAC, SOLID BANK CORPORATION AND/OR ITS SUCCESSOR-IN-INTEREST, FIRST METRO INVESTMENT CORPORATION, DEOGRACIAS N. VISTAN AND EDGARDO MENDOZA, JR., RESPONDENTS.

[G.R. NO. 157327]

SOLID BANK CORPORATION AND/OR ITS SUCCESSOR-IN-INTEREST, FIRST METRO INVESTMENT CORPORATION, DEOGRACIAS N. VISTAN AND EDGARDO MENDOZA, JR., PETITIONERS, VS. SOLIDBANK UNION AND ITS DISMISSED OFFICERS AND MEMBERS, NAMELY: EVANGELINE J. GABRIEL, TERESITA C. LUALHATI, ISAGANI P. MAKISIG, REY S. PASCUA, EVELYN A. SIA, MA. VICTORIA M. VIDALLON, AUDREY A. ALJIBE, REY ANTHONY M. AMPARADO, JOSE A. ANTEENOR, AUGUSTO D. ARANDIA, JR., JANICE L. ARRIOLA, RUTH SHIELA M.

BAGADIONG, STEVE D. BERING, ALAN ROY I. BUYCO, MANOLO T. CABRERA, RACHEL M. CASTILLO, VICTOR O. CHUA, VIRGILIO Y. CO, JR., LEOPOLDO S. DABAY, ARMAND V. DAYANG-HIRANG, HUBERT V. DIMAGIBA, MA. LOURDES CECILIA B. EMPARADOR, FELIX B. ESTACIO, JR., JULIETA T. ESTRADA, MARICEL G. EVALLA, JOSE G. GUIADADIO, JOSE RAINARIO C. LAOANG, ALEXANDER A. MARTINEZ, JUAN ALEX C. NAMBONG, JOSEPHINE M. ONG, ARMANDO B. OROZCO, ARLENE R. RODRIGUEZ, NICOMEDES P. RUIZO, JR., DON A. SANTANA, ERNESTO R. SANTOS, JR., EDNA M. SARONG, GREGORIO S. SEECRETARIO, ELLEN M. SORIANO, ROSIE C. UY, ARVIN D. VALENCIA, FERMIN JOSSEPH B. VENTURA, JR., EMMANUEL C. YAPTANCO, ERNESTO C. ZUNIGA, ARIEL S. ABENDAN, EMMA R. ABENDAN, PAULA AGNES A. ANGELES, JACQUILINE B. BAQUIRAN, JENNIFER S. BARCENAS, ALVIN E. BARICANOSA, GEORGE MAXIMO P. BARQUEZ, MA. ELENA G. BELLO, RODERICK M. BELLO, MICHAEL MATTHEW B. BILLENA, LEOPE L. CABENIAN, NEPTALI A. CADDARAO, FERDINAND MEL S. CAPULING, MARGARETTE B. CORDOVA, MA. EDNA V. DATOR, PRANIEL C. DAYAO, RAGCY L. DE GUZMAN, LUIS E. DELOS SANTOS, CARMINA M. DEGALA, EPHRAIM RALPH A. DELFIN, KAREN M. DEOCERA, CAROLINA C. DIZON, MARCHEL S. ESQUEJJO, JOCELYN L. ESTROBO, MINERVA S. FALLARME, HERNANE C. FERMOCIL, RACHEL B. FETIZANAN, SAMUEL A. FLORENTINO, MENCHIE R. FRANCISCO, ERNESTO U. GAMIEL,^[15] MACARIO RODOLFO N. GARCIA, JOEL S. GARMINO, LESTER MARK Z. GATCHALIAN, MA. JINKY P. GELERA, MA. TERESA G. GONZALES, GONZALO G. GUINIT, EMILY H. GUINO-O, FERDINAND S. HABIJAN, JUN G. HERNANDEZ, LOURDES D. IBEAS, MA. ANGELA L. JALANDDONI, JULIE T. JORNACION, MANUEL C. LIM, MA. LOURDES A. LIM, EMERSON V. LUNA, NOLASCO B. MACATANGAY, NORMAN C. MANACO, CHERRY LOU B. MANGROBANG, MARASIGAN G. EDMUNDO, ALLEN M. MARTINEZ, EMELITA C. MONTANO, ARLENE P. NOBLE, SHIRLEY A. ONG, LOTIZ E. ORTIZ LUIS, PABLITO M. PALO, MARY JAINE^[16] D. PATINO, GEOFFREY T. PRADO, OMEGA MELANIE M. QUINTANO, ANES A. RAMIREZ, RICARDO D. RAMIREZ, DANIEL O. RAQUEL, RAMON B. REYES, SALVACION N. ROGADO, ELMOR R. ROMANA, JR., LOURDES U. SALVADOR, ELMER S. SAYLON, BENHARD E. SIMBULAN, MA. TERESA S. SOLIS, MA. LOURDES ROCEL E. SOLIVEN, EMLY C. SUYAT, EDGAR ALLAN P. TACSUAN, RAYMONDD D. TANAY, JOCELYN Y. TAN, CANDIDO G. TISON, MA. THERESA O. TISON, EVELYN T. UYLANGCO, CION E. YAP, MA. OPHELIA C. DE GUZMAN, MA. HIDELISA P. IRA, RAYMUND MARTIN A. ANGELES, MERVIN S. BAUTISTA, ELENA R. CONDEVILLAMAR, CCHERRY T. CO, LEOPOLDO V. DE LA ROSA, DOROTEO S. FROILAN, EMMANUEL B. GLORIA, JULIETE L. JUBAC, AND ROSEMARIE L. TANG, RESPONDENTS.

[G.R. NO. 157506]

SOLIDBANK UNION, EVANGELINE J. GABRIEL, EVELYN A. SIA,

TERESITA C. LUALHATI, ISAGANI P. MAKISIG, REY S. PASCUA, MA. VICTORIA M. VIDALLON, AUDREY A. ALJIBE, REY ANTHONY AMPARADO, JOSE A. ANTENOR, AUGUSTO D. ARANDIA, JR., RUTH SHIELA M. BAGADIONG, STEVE D. BERING, ALAN ROY I. BUYCO, MANOLO T. CABRERA, RACHEL M. CASTILLO, VICTOR O. CHUA, VIRGILIO Y. CO, JR., LEOPOLDO S. DABAY, HUBERT V. DIMAGIBA, MA. LOURDES CECILIA B. EMPERADOR, FELIX B. ESTACIO, JR., JULIETA T. ESTRADA, MARICEL G. EVALLA, JOSE G. GUIADIO, ALEXANDER A. MARTINEZ, JOSEPHINE M. ONG, EDNA M. SARONG, GREGORIO S. SECRETARIO, ARVIN D. VALENCIA, FERMIN JOSEPH B. VENTURA, JR., EMMANUEL C. YAPTANGCO, ERNESTO C. ZUÑIGA, ALVIN E. BARICANOSA, GEORGE MAXIMO P. BARQUEZ, MA. ELENA G. BELLO, MICHAEL MATTHEW B. BILLENA, NEPTALI A. CADDARAO, FERDINAND MEL S. CAPULONG, MA. EDNA V. DATOR, RANIEL C. DAYAO, RAGCY L. DE GUZMAN, LUIS E. DELOS SANTOS, CAROLINA C. DIZON, JOCELYN L. ESTROBO, MINERVA S. FALLARME, HERNANE C. FERMOCIL, RACHEL B. FETIZANAN, SAMUEL A. FLORENTINO, JOEL S. GARMINO, LESTER MARK Z. GATCHALIAN, GONZALO GUINIT, FERDINAND S. HABIJAN, JUN G. HERNANDEZ, MA. ANGELA L. JALANDONI, MA. LOURDES A. LIM, EMERSON V. LUNA, NOLASCO B. MACATANGAY, NORMAN C. MAÑACO, CHERRY LOU MANGROBANG, EDMUNDO G. MARASIGAN, ALLEN M. MARTINEZ, ARLENE P. NOBLE, SHIRLEY A. ONG, LOTIZ E. ORTIZ LUIS, PABLITO M. PALO, GEOFFREY T. PRADO, OMEGA MELANIE M. QUINTANO, AGNES A. RAMIREZ, RICARDO D. RAMIREZ, DANIEL O. RAQUEL, RAMON B. REYES, SALVACIO N. ROGADO, ELMOR R. ROMANA, JR., LOURDES U. SALVADOR, ELMER S. SAYLON, BENNARD E. SIMBULAN, MA. LOURDES ROCEL E. SOLIVEN, EMILY C. SUYAT, RAYMOND D. TANAY, JOCELYN Y. TAN, CANDIDO G. TISON, MA. THERESA O. TISON, EVELYN T. UYLANGCO, MERVIN S. BAUTISTA, LEOPOLDO V. DE LA ROSA, DOROTEO S. FROILAN AND JULIETE L. JUBAC, PETITIONERS, VS. METROPOLITAN BANK AND TRUST COMPANY, RESPONDENT.

D E C I S I O N

DEL CASTILLO, J.:

The issues presented in these consolidated petitions have been squarely resolved by this Court in its November 15, 2010 Decision in *Solidbank Corporation v. Gamier*.

[17] The said Decision constitutes *res judicata* in these consolidated petitions.

These petitions for review on *certiorari* assail the conflicting Decisions of the Court of Appeals (CA) in CA-G.R. SP Nos. 68054 and 68998. In CA-G.R. SP No. 68054, the CA's Second Division ruled that the public demonstration conducted by the employees on April 3, 2000 after the Secretary of Labor assumed jurisdiction over the labor dispute was a valid exercise of their constitutional rights to freedom of expression, to peaceful assembly, and to petition the government for redress of their grievances and, hence, their dismissal from employment was illegal. Said division of the CA thus set aside the ruling of the National Labor Relations Commission's (NLRC's) Second Division and reinstated the Decision^[18] dated March 16, 2001 of

Labor Arbiter Luis D. Flores (Labor Arbiter Flores).

In CA-G.R. SP No. 68998, however, the Special Third Division of the CA held that the employees staged an illegal strike. It also held that Metropolitan Bank and Trust Company (Metrobank) could not be held jointly and solidarily liable with Solidbank Corporation (Solidbank) and First Metro Investment Corporation (First Metro) because each of them have separate and distinct legal personalities.

Factual Antecedents

Solidbank Union (Union) was a legitimate labor organization and the duly certified sole bargaining representative of all rank-and-file employees of Solidbank. On November 17, 1999, the Union and Solidbank negotiated for a new economic package for the remaining two years of the 1997-2001 collective bargaining agreement (CBA). However, the parties reached an impasse. Thus, on January 18, 2000, then Secretary of Labor Bienvenido E. Laguesma (Secretary Laguesma) assumed jurisdiction over the dispute and enjoined the parties from holding a strike or lockout or any activity which might exacerbate the situation.^[19]

Thereafter, on March 24, 2000, Secretary Laguesma issued an Order^[20] disposing as follows:

WHEREFORE, premises considered, judgment is hereby issued:

- a. Directing Solidbank Corporation and Solidbank Union to conclude their Collective Bargaining Agreement for the years 2000 and 2001, incorporating the dispositions above set forth;
- b. Dismissing the unfair labor practice charge against Solidbank Corporation;
- c. Directing Solidbank to deduct or check-off from the employees' lump sum payment an amount equivalent to seven percent (7%) of their economic benefits for the first (1st) year, inclusive of signing bonuses, and to remit or turn over the said sum to the Union's authorized representative, subject to the requirements of check-off;
- d. Directing Solidbank to recall the show-cause memos issued to employees who participated in the mass actions if such memos were in fact issued.

SO ORDERED.^[21]

Displeased with Secretary Laguesma's ruling, about 712 union members and officers skipped work in the morning of April 3, 2000 (a Monday) and trooped to his office in Intramuros, Manila, not only to accompany their lawyer in filing the Union's Motion for Reconsideration but also to stage a brief public demonstration. Other rank and file employees in the provincial branches of Solidbank also absented themselves from work that day.

Solidbank also filed its Motion for Reconsideration. With respect to the mass demonstration conducted by its employees, however, Solidbank perceived the same to be an illegal strike, a deliberate abandonment of work calculated to paralyze its