

SECOND DIVISION

[G.R. NOS. 158190-91, October 31, 2006]

**NISSAN MOTORS PHILIPPINES, INC., PETITIONER, VS.
SECRETARY OF LABOR AND EMPLOYMENT AND BAGONG
NAGKAKAISANG LAKAS SA NISSAN MOTORS PHILIPPINES, INC.
(BANAL-NMPI-OLALIA-KMU), RESPONDENTS.**

[G.R. NOS. 158276 AND 158283]

**BAGONG NAGKAKAISANG LAKAS SA NISSAN MOTORS
PHILIPPINES, INC. (BANAL-NMPI-OLALIA-KMU), PETITIONER,
VS. COURT OF APPEALS (SPECIAL DIVISION OF FIVE),
SECRETARY OF LABOR AND EMPLOYMENT AND NISSAN MOTORS
PHILIPPINES, INC., RESPONDENTS.**

R E S O L U T I O N

GARCIA, J.:

This resolves the motion interposed by Bagong Nagkakaisang Lakas sa Nissan Motors Philippines, Inc. (BANAL-NMPI-OLALIA-KMU) for clarification of the Decision of the Court dated June 21, 2006, as reiterated with finality in its Resolution of August 28, 2006, affirming with modifications the Decision dated February 7, 2003 of the Court of Appeals (CA) and its Resolution of May 15, 2003, in *CA-G.R. SP No. 69107* and *CA- G.R. SP No. 69799*.

The relevant factual antecedents of the subject motion for clarification may be summarized as follows:

A 2000-2001 labor dispute between Nissan Motors Philippines, Inc. (Nissan Motors) and BANAL-NMPI-OLALIA-KMU ("Union" hereafter) triggered by a collective bargaining deadlock resulted in (1) the filing of four (4) notices of strike, the first filed on December 4, 2000 on account of the alleged suspension of about 140 employees following a disruption of company operations; and (2) the dismissal from the service of a number of company employees. On August 22, 2001, the Department of Labor and Employment (DOLE) issued an order assuming jurisdiction over the dispute. In it, the DOLE Secretary expressly enjoined any strike or lockout and directed the parties to cease and desist from committing any act that might exacerbate the situation, and for the Union to refrain from engaging in any disruptive activity.

Eventually, the DOLE Secretary issued, on December 5, 2001, a decision which contained names of union officers and members whom Nissan Motors dismissed for defying the directives contained in the assumption order. Insofar as pertinent, the Secretary's decision dispositively reads: