

FIRST DIVISION

[G.R. No. 149610, August 20, 2004]

ROSENDO PIÑERO, DUMAGUETE CATHEDRAL COLLEGE FACULTY AND STAFF ASSOCIATION (DUCACOFSA) AND NATIONAL FEDERATION OF TEACHERS AND EMPLOYEES UNION (NAFTEU), PETITIONERS, VS. NATIONAL LABOR RELATIONS COMMISSION, FOURTH DIVISION, CEBU CITY AND DUMAGUETE CATHEDRAL COLLEGE, INC., RESPONDENTS.

DECISION

YNARES-SANTIAGO, J.:

Challenged in this petition for review on certiorari is the May 25, 2001 decision^[1] of the Court of Appeals in CA-G.R. SP No. 52084 which affirmed the resolution^[2] of the National Labor Relations Commission (NLRC) in NLRC Case No. V-0002-95 sustaining the Labor Arbiter's decision^[3] in RAB-VII-011-0315-91-D. The assailed decision declared as illegal the strike staged by Dumaguete Cathedral College Faculty and Staff Association-National Federation of Teachers and Employees Union (DUCACOFSA-NAFTEU), and ordered the dismissal of the officers thereof.

Private respondent Dumaguete Cathedral College, Inc.,^[4] an educational institution, is the employer of the faculty and staff members comprising the labor union DUCACOFSA-NAFTEU. On December 19, 1986, DUCACOFSA (then affiliated with the National Alliance of Teachers and Allied Workers – NATAW) and private respondent entered into a Collective Bargaining Agreement (CBA) effective for 3 years.^[5] Upon the expiration of their CBA in 1989, the parties failed to conclude another CBA which led DUCACOFSA (now affiliated with NAFTEU) to file a notice of strike with the Department of Labor and Employment (DOLE) on the ground of refusal to bargain.^[6]

On November 4, 1991, DUCACOFSA-NAFTEU conducted a strike in the premises of private respondent without submitting to the DOLE the required results of the strike vote obtained from the members of the union.

Consequently, on November 21, 1991, private respondent filed with the DOLE a complaint to declare the strike illegal and to dismiss the following officers of DUCACOFSA-NAFTEU, to wit:

- 1) Rosendo U. Piñero – President
- 2) Monica A. Sison – Vice President for Elementary
- 3) Godofreda D. Flores – Vice President for High School
- 4) Eugenio O. Magos – Vice President for College
- 5) Carmen P. Baylon – Secretary
- 6) Teresita Baylosis – Treasurer
- 7) Consolacion C. Unabia – Liaison Officer

- 8) Pablo T. Tuble – Member Executive Board
- 9) Hermenia C. Nazareno – Member Executive Board
- 10) Magdeline P. Borromeo - Member Executive Board^[7]

On October 28, 1994, the Labor Arbiter rendered a decision as follows:

WHEREFORE, in light of the foregoing, judgment is hereby rendered declaring the strike illegal and declaring the respondent union officers to have lost their employment status effective on the date of this decision.

All other claims are dismissed for lack of legal and factual basis.

SO ORDERED.^[8]

Unfazed, the union officers appealed^[9] to the NLRC.

Meanwhile, on November 29, 1991, the said officers returned to work by virtue of a Memorandum of Agreement entered into by DUCACOFSA-NAFTEU and private respondent allowing them to resume service without prejudice to the outcome of the instant case then pending appeal with the NLRC.^[10]

On December 19, 1995, the NLRC affirmed the decision of the Labor Arbiter.^[11] In addition to the failure to comply with strike vote requirements, the NLRC ratiocinated that the strike was illegal because DUCACOFSA-NAFTEU, not being a legitimate labor organization, has no personality to hold a strike. The union officers filed a Motion for Reconsideration but the same was denied.^[12]

Petitioner Rosendo U. Piñero filed with this Court a petition for certiorari^[13] which was referred to the Court of Appeals^[14] pursuant to the ruling in *St. Martin's Funeral Home v. NLRC*.^[15]

On March 25, 2001, the Court of Appeals affirmed the decision of the NLRC, thus –

WHEREFORE, the instant petition is DISMISSED and the Resolutions of the NLRC (4th Division) promulgated on December 19, 1995 and February 16, 1996, respectively, in NLRC Case No. V-0002-95 are AFFIRMED.

SO ORDERED.^[16]

On August 29, 2001, Piñero's Motion for Reconsideration was denied.^[17] Hence, the instant petition.

The issues to be resolved are: (1) Was the strike staged by DUCACOFSA- NAFTEU illegal? (2) If yes, should Piñero be dismissed?

The NLRC declared the strike illegal on the grounds that DUCACOFSA-NAFTEU is legally non-existent and therefore has no personality to hold a strike; and that the strike was conducted without the requisite strike vote.

Anent the first ground, we find that DUCACOFSA-NAFTEU's status as a legitimate

labor organization has been settled in a final and executory decision of the NLRC in NLRC Case No. V-0432-93,^[18] which affirmed the decision of the Labor Arbiter in NLRC Case No. RAB VII-02-0025-93-D,^[19] finding private respondent guilty of unfair labor practice and recognizing DUCACOFSA-NAFTEU as an existing legitimate labor organization. Pertinent portions of the Labor Arbiter's findings which were adopted by the NLRC are as follows –

x x x The record further shows that the herein Complainant Union or Association formally disaffiliated from National Alliance of Teachers and Allied Workers (NATAW) and at the same time affiliated itself with the National Federation of Teachers and Employees Union (NAFTEU) in its resolution dated April 8, 1991 marked as Exhibit "C". By reason of such affiliation NAFTEU, sent a formal notice Exh. "D", to the Department of Labor and Employment received by the DOLE Docket Section on March 24, 1992 informing the latter of additional local union affiliated with the Federation among which was DUCACOFSA. Said notice however, does not show that respondent DCCI [Dumaguete Cathedral College, Inc.] was furnished a copy. Other documents on record, Annex "1" x x x is a Certification dated September 13, 1991 issued by Bartolome C. Amoguis, certifying x x x that x x x DUCACOFSA, x x x is not a registered labor organization. Similar certification dated September 24, 1991 signed by Johnny P. Garcia of the Bureau of Labor Relations, also certified that based on records, the Dumaguete Cathedral College Faculty and Staff Association-NATAW has not been reported as one of the affiliates of the x x x (NATAW). The same office of the Bureau of Labor Relations issued another certification, Annex "3", dated September 23, 1991, certifying that based on records, the Dumaguete Cathedral College Faculty and Staff Association-NAFTEU has not been reported as one of the affiliates of x x x (NAFTEU).

By reason of the foregoing certification Annexes "1", "2" and "3" respondent [Dumaguete Cathedral College, Inc.] alleges that complainant [union] does not legally exist hence, respondent cannot be held liable for Unfair Labor Practice.

We disagree.

xxx xxx xxx

The averment that complainant is not existing by reason of the certifications marked as Annexes "1", "2" and "3" cannot be upheld for the reason that per resolution marked as Exh. "C" and the letter signed by Evelyn B. Quijano, Deputy Secretary-General marked as Exh. "D" which was duly received by the DOLE Docket Section on March 25, 1992 shows otherwise. We cannot also sustain the averment that the union was dissolved by reason of the resignation of some members for mere resignation of some members does not ipso facto dissolve a union.^[20]

Under the doctrine of conclusiveness of judgment which is also known as "preclusion of issues" or "collateral estoppel," issues actually and directly resolved in a former suit cannot again be raised in any future case between the same parties involving a different cause of action.^[21] Accordingly, private respondent is now barred from