

FIRST DIVISION

[G.R. No.131374, January 26, 2000]

ABBOTT LABORATORIES PHILIPPINES, INC., PETITIONER, VS. ABBOTT LABORATORIES EMPLOYEES UNION, MR. CRESENCIANO TRAJANO, IN HIS CAPACITY AS ACTING SECRETARY OF THE DEPARTMENT OF LABOR AND EMPLOYMENT AND MR. BENEDICTO ERNESTO BITONIO, JR., IN HIS CAPACITY AS DIRECTOR IV OF THE BUREAU OF LABOR RELATIONS, RESPONDENTS.

D E C I S I O N

DAVIDE JR., C.J.:

This special civil action for *certiorari* and *mandamus* assails the action of the then Acting Secretary of Labor and Employment Cresenciano. B. Trajano contained in its letter dated 19 September 1997,^[1] informing petitioner Abbott Laboratories Philippines, Inc. (hereafter ABBOTT), thru its counsel that the Office of the Secretary of Labor cannot act on ABBOTT's appeal from the decision of 31 March 1997^[2] and the Order of 9 July 1997^[3] of the Bureau of Labor Relations, for lack of appellate jurisdiction.

ABBOTT is a corporation engaged in the manufacture and distribution of pharmaceutical drugs. On 22 February 1996,^[4] the Abbott Laboratories Employees Union (hereafter ALEU) represented by its president, Alvin B. Buerano, filed an application for union registration in the Department of Labor and Employment. ALEU alleged in the application that it is a labor organization with members consisting of 30 rank-and-file employees in the manufacturing unit of ABBOTT and that there was no certified bargaining agent in the unit it sought to represent, namely, the manufacturing unit.

On 28 February 1996,^[5] ALEU's application was approved by the Bureau of Labor Relations, which in due course issued Certificate of Registration No. NCR-UR-2-1638-96. Consequently, ALEU became a legitimate labor organization.

On 2 April 1996,^[6] ABBOTT filed a petition for cancellation of the Certificate of Registration No. NCR-UR-2-1638-96 in the Regional Office of the Bureau of Labor Relations. This case was docketed as Case No. OD-M-9604-006. ABBOTT assailed the certificate of registration since ALEU's application was not signed by at least 20% of the total 286 rank-and-file employees of the entire employer unit; and that it omitted to submit copies of its books of account.

On 21 June 1996,^[7] the Regional Director of the Bureau of Labor Relations decreed the cancellation of ALEU's registration certificate No. NCR-UR-II-1585-95.^[8] In its decision, the Regional Director adopted the 13 June 1996^[9] findings and

recommendations of the Med-Arbiter. It ruled that the union has failed to show that the rank-and-file employees in the manufacturing unit of ABBOTT were bound by a common interest to justify the formation of a bargaining unit separate from those belonging to the sales and office staff units. There was, therefore, sufficient reason to assume that the entire membership of the rank-and-file consisting of 286 employees or the "employer unit" make up the appropriate bargaining unit. However, it was clear on the record that the union's application for registration was supported by 30 signatures of its members or barely constituting 10% of the entire rank-and-file employees of ABBOTT. Thus the Regional Director found that for ALEU's failure to satisfy the requirements of union registration under Article 234 of the Labor Code; the cancellation of its certificate of registration was in order.

Forthwith, on 19 August 1996,^[10] ALEU appealed said cancellation to the Office of the Secretary of Labor and Employment, which referred the same to the Director of the Bureau of Labor Relations. The said appeal was docketed as Case No. BLR-A-10-25-96.

On 31 March 1997,^[11] the Bureau of Labor Relations rendered judgment reversing the 21 June 1996 decision of the Regional Director, thus:

WHEREFORE, the appeal is GRANTED and the decision of the Regional Director dated 21 June 1996 is hereby REVERSED. Abbott Laboratories Employees Union shall remain in the roster of legitimate labor organizations, with all the rights, privileges and obligations appurtenant thereto.^[12]

It gave the following reasons to justify the reversal: (1) Article 234 of the Labor Code does not require an applicant union to show proof of the "desirability of more than one bargaining unit within an employer unit," and the absence of such proof is not a ground for the cancellation of a union's registration pursuant to Article 239 of Book V, Rule II of the implementing rules of the Labor Code; (2) the issue pertaining to the appropriateness of a bargaining unit cannot be raised in a cancellation proceeding but may be threshed out in the exclusion-inclusion process during a certification election; and (3) the "one-bargaining unit, one-employer unit policy" must not be interpreted in a manner that shall derogate the right of the employees to self-organization and freedom of association as guaranteed by Article III, Section 8 of the 1987 Constitution and Article II of the International Labor Organization's Convention No.87.

Its motion to reconsider the 31 March 1997 decision of the Bureau of Labor Relations having been denied for lack of merit in the Order^[13] of 9 July 1997, ABBOTT appealed to the Secretary of Labor and Employment. However, in its letter dated 19 September 1997,^[14] addressed to ABBOTT's counsel, the Secretary of Labor and Employment refused to act on ABBOTT's appeal on the ground that it has no jurisdiction to review the decision of the Bureau of Labor Relations on appeals in cancellation cases emanating from the Regional Offices. The decision of the Bureau of Labor Relations therein is final and executory under Section 4, Rule III, Book V of the Rules and Regulations Implementing the Labor Code, as amended by Department Order No. 09, s. of 1997. Finally, the Secretary stated:

It has always been the policy of this Office that pleadings denominated as appeal thereto over decisions of the BLR in cancellation cases coming

from the Regional Offices are referred back to the BLR, so that the same may be treated as motions for reconsideration and disposed of accordingly. However, since your office has already filed a motion for reconsideration with the BLR which has been denied in its Order dated 09 July 1997, your recourse should have been a special civil action for certiorari with the Supreme Court.

In view of the foregoing, please be informed that the Office of the Secretary cannot act upon your Appeal, except to cause the BLR to include it in the records of the case.

Hence, this petition. ABBOTT premised its argument on the authority of the Secretary of Labor and Employment to review the decision of the Bureau of Labor Relations and at the same time raised the issue on the validity of ALEU's certificate of registration.

We find no merit in this petition.

At the outset, it is worthly to note that the present petition assails only the letter of the then Secretary of Labor & Employment refusing to take cognizance of ABBOTT's appeal for lack of appellate jurisdiction. Hence, in the resolution of the present petition, it is just appropriate to limit the issue on the power of the Secretary of Labor and Employment to review the decisions of the Bureau of Labor Relations rendered in the exercise of its appellate jurisdiction over decisions of the Regional Director in cases involving cancellations of certificates of registration of labor unions. The issue anent the validity of ALEU's certificate of registration is subject of the Bureau of Labor Relations decision dated 31 March 1997. However, said decision is not being assailed in the present petition; hence, we are not at liberty to review the same.

Contrary to ABBOTT's contention, there has been no grave abuse of discretion on the part of the Secretary of Labor and Employment. Its refusal to take cognizance of ALEU's appeal from the decision of the Bureau of Labor Relations is in accordance with the provisions of Rule VIII, Book V of the Omnibus Rules Implementing the Labor Code as amended by Department Order No. 09.^[15] The rule governing petitions for cancellation of registration of any legitimate labor organization or worker association, as it now stands, provides:

SECTION 1. *Venue of Action* --If the respondent to the petition is a local/chapter, affiliate, or a workers' association with operations limited to one region, the petition shall be filed with the Regional Office having jurisdiction over the place where the respondent principally operates. Petitions filed against federations, national or industry unions, trade union centers, or workers' associations operating in more than one regional jurisdiction, shall be filed with the Bureau.

SECTION 3. *Cancellation of registration; nature and grounds.* -- Subject to the requirements of notice and due process, the registration of any legitimate labor organization or worker's association may be cancelled by the Bureau or the Regional Office upon the filing of an independent petition for cancellation based on any of the following grounds: