

FIRST DIVISION

[G.R. No. 108765, August 27, 1999]

SOCIAL SECURITY SYSTEM EMPLOYEES ASSOCIATION (SSSEA) (PSLINK-TUCP), PETITIONER, VS. PERLITA BATHAN-VELASCO, OFFICER IN CHARGE, BUREAU OF LABOR RELATIONS, ALERT AND CONCERNED EMPLOYEES FOR BETTER SSS (ACCESS), SOCIAL SECURITY SYSTEM, RESPONDENTS.

D E C I S I O N

PARDO, J.:

The case before the Court is a special civil action for *certiorari* under Rule 65 of the Revised Rules of Court, with prayer for temporary restraining order, filed by Social Security System Employees Association (SSSEA), seeking to annul and set aside the Order of the Bureau of Labor Relations^[1] dismissing the election protests or motions to annul the certification elections among the rank and file SSS employees.

On September 28, 1989, respondent Alert and Concerned Employees for Better Social Security System (ACCESS) filed with the Bureau of Labor Relations a petition for certification election to determine the sole and exclusive bargaining representative of the rank and file employees of respondent Social Security System (SSS).

On August 24, 1990, the Bureau of Labor Relations ordered a certification election to be conducted among the rank and file employees of the Social Security System in its main office and regional branches.

Petitioner Social Security System Employees Association (SSSEA) (PSLINK-TUCP) was one of the contending parties in the certification election, with respondent Alert and Concerned Employees for Better SSS (ACCESS) as the other party.

On October 11, 1991, the certification elections were held, with ACCESS garnering 1,378 votes, SSSEA obtaining 1,116 votes, and "No Union" collecting 40 votes.^[2]

On October 16, 1991, SSSEA filed with the Bureau of Labor Relations, an election protest and/or motion to annul the certification Election. Director Calleja of the Bureau of Labor Relations, in an Order dated March 20, 1992, denied the protest and/or motion.

On September 29, 1992, SSSEA filed an Election Protest and/or Motion to Nullify Certification Elections in the SSS Regional Office After October 11, 1991.

On November 18, 1992, respondent Velasco denied the Election Protest and/or Motion to Nullify Certification Elections in the Regional Offices After October 11, 1991, declared ACCESS the winner in the certification election, and certified ACCESS