

EIGHTH DIVISION

[CA-G.R. SP. NO. 120174, January 09, 2015]

THE HERITAGE HOTEL MANILA, OWNED AND OPERATED BY GRAND PLAZA HOTEL CORPORATION, PETITIONER, VS. BUREAU OF LABOR RELATIONS, HON. REBECCA C. CHATO, IN HER CAPACITY AS DIRECTOR OF THE BUREAU OF LABOR RELATIONS, MANILA, HON. ROMEO M. MONTEFALCO, JR., IN HIS CAPACITY AS OFFICER-IN-CHARGE OF THE BUREAU OF LABOR RELATIONS, MANILA, MARIO VASQUEZ, PURPORTING TO REPRESENT PINAG-ISANG GALING AT LAKAS NG MGA MANGGAGAWA SA HERITAGE MANILA (PIGLAS-HERITAGE), RESPONDENTS.

D E C I S I O N

ANTONIO-VALENZUELA, J.:

This is the Petition for Certiorari^[1] filed by The Heritage Hotel Manila ("petitioner Heritage Hotel") questioning the propriety of the Bureau of Labor Relations' ("BLR"): (1) *Decision*^[2] dated 8 April 2011 ("assailed Decision"); (2) *Letter*^[3] dated 13 June 2011 ("assailed Letter").

The facts are as follows: union members of the Pinag-isang Galing at Lakas ng mga Manggagawa sa Heritage Manila ("the Union") voted to dissolve the Union for lack of interest, and notified the Department of Labor and Employment – National Capital Region ("DOLE-NCR") and the BLR of the Union's voluntary dissolution via the Transmittal Letter^[4] (with the attached Minutes of the General Membership Meeting,^[5] Notice of General Membership Meeting,^[6] and lists of the Union's members who voted to dissolve the Union^[7]).

The DOLE-NCR treated the Transmittal Letter as a voluntary cancellation of the Union's registration ("voluntary dissolution case"), and set the case for preliminary conference.

Mario Vasquez ("private respondent Vasquez") filed the Position Paper,^[8] and alleged: petitioner Heritage Hotel coerced 15 union members to dissolve the Union, thus the dissolution of the Union was not voluntary; there was no general membership meeting conducted for the purpose of discussing the Union's dissolution, and the Union President did not sign the necessary papers for the Union's voluntary dissolution, thus the voluntary case must be disregarded, and the Union's registration should be allowed to continue.

The DOLE-NCR issued the Order dated 7 January 2011,^[9] granting the voluntary cancellation of the Union's registration, and dropping the Union from the roll of legitimate labor unions.

Aggrieved by the DOLE-NCR's Order, private respondent Vasquez, representing the Union, appealed to the BLR.

The BLR issued the assailed Decision dated 8 April 2011,^[10] and granted the appeal, and declared that the Union shall remain in the roster of legitimate organizations.

Petitioner Heritage Hotel filed the Motion to Intervene with Motion to Declare the Decision Null and Void,^[11] and alleged: petitioner Heritage Hotel only came to know of the assailed Decision when it received the Motion to Set Case for Pre-election Conference; while petitioner Heritage Hotel was not a party in the voluntary dissolution case, petitioner Heritage Hotel had the right to intervene because petitioner Heritage Hotel had the right not to deal with a union that already ceased to exist; the Union's legal personality can no longer be revived by labor courts, because the Union membership already dissolved the Union, and the Union had ceased to exist; the Union owed its existence as an organization solely to the will of its members, thus the voluntary dissolution case pertained only to the issue of the Union being dropped from the DOLE's roster of legitimate labor organizations, and did not affect the members' decision to dissolve the Union; the DOLE-NCR's Order dropping the Union from the roll of legitimate labor organizations already became final; respondent Vasquez had no authority to appeal the Order, because the proper parties to question the Order were the members who voted to dissolve the Union, thus the appeal was defective, and the Order became final absent a valid appeal; the technical requirements mandated by law cannot prevail over the members' decision to dissolve the Union; the law does not require that the notice of general membership meeting be signed by the Union President, thus respondent Vasquez's non-signing of the notice of meeting was inconsequential; the law does not require that the voting for the approval of a Union's dissolution must be done by secret balloting, and there was nothing irregular when a union member votes by proxy, because voting by proxy was not prohibited; the lack of endorsement by the Union's Board of Directors, and the lack of the Union President's attestation were inconsequential because the will of the overwhelming majority was to dissolve the Union; the union members' execution of the Sama-Samang Sinumpaang Salaysay (where they retracted their decision to dissolve the Union) was highly dubious, thus deserved scant consideration.

Rico Catalan ("Catalan") filed the Entry of Appearance with Motion for Reconsideration,^[12] and alleged: at the time of Union's dissolution in 2010, the Union had only 42 members, and not 89 members; during the general membership meeting, 29 members were present and unanimously voted for the Union's dissolution, thus the Union complied with the 2/3 votes requirement for voluntary dissolution; the execution by the union members of the Sama-Samang Sinumpaang Salaysay retracting their decision to dissolve the union was dubious, because these members did not affirm their signatures, and did not appear at the hearings before the DOLE-NCR.

The BLR issued the assailed Letter^[13] denying petitioner Heritage Hotel's Motion. In a similar letter, the BLR also denied Catalan's Motion.

Hence, this Petition for Certiorari,^[14] petitioner Heritage Hotel imputing the following errors on the the BLR:

HAVING BEEN VOLUNTARILY DISSOLVED BY AT LEAST TWO-THIRDS (2/3) OF ITS GENERAL MEMBERSHIP ON MAY 5, 2010, THE UNION HAS CEASED TO EXIST AS AN ORGANIZATION SINCE THAT DATE. ITS EXISTENCE CANNOT BE REVIVED EVEN BY THE LABOR AUTHORITIES.

THE HOTEL IS NOT AN OUTSIDER IN THE DISSOLUTION CASE BECAUSE IT HAS AN INTEREST TO PROTECT BEING THE EMPLOYER WHERE THE DEFUNCT UNION SEEKS TO OPERATE.

THE MOTION TO DECLARE DECISION NULL AND VOID WAS NOT FILED OUT OF TIME.

IN ANY CASE, THE ASSAILED DECISION COULD NOT HAVE ATTAINED FINALITY AS IT IS NULL AND VOID.

THE REGIONAL DIRECTOR'S ORDER DROPPING THE UNION FROM THE ROLL OF LEGITIMATE LABOR ORGANIZATIONS HAS ATTAINED FINALITY.

SINCE THE OTHER PARTIES-IN-INTEREST (I.E., THE FORMER UNION MEMBERS) WERE NOT NOTIFIED OF THE PROCEEDINGS AND OF THE ASSAILED DECISION, THE ASSAILED DECISION COULD NOT HAVE ATTAINED FINALITY, THERE BEING A LACK OF DUE PROCESS.

THE BLR DIRECTOR GRAVELY ABUSED HER DISCRETION WHEN SHE GRANTED THE APPEAL AND REINSTATED PIGLAS IN THE ROSTER OF LEGITIMATE LABOR ORGANIZATIONS.

THE DISSOLUTION OF PIGLAS WAS APPROVED BY AT LEAST 2/3 OF THE UNION MEMBERSHIP.

TECHNICAL REQUIREMENTS CANNOT PREVAIL OVER THE MEMBERS' DECISION TO DISSOLVE THE UNION.

THE *SAMA-SAMANG SINUMPAANG SALAYSAY* UPON WHICH MR. VASQUEZ'S ALLEGATIONS ARE ANCHORED IS HIGHLY DOUBTFUL AND DESERVES SCANT CONSIDERATION.^[15]

The issues are: (1) whether petitioner Heritage Hotel had a right to intervene in the voluntary dissolution case; (2) whether the BLR erred in reinstating the Union in the roll of legitimate labor organizations.

PETITION FOR CERTIORARI

Anent the first issue, petitioner Heritage Hotel answers in the affirmative. Petitioner Heritage Hotel had a right to intervene in the voluntary dissolution case.

The Petition for Certiorari thrusts: petitioner Heritage Hotel had a right to intervene in the voluntary dissolution case because it had a direct and material interest in the voluntary dissolution case (i.e.: petitioner Heritage Hotel had the right to ensure