

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT
EN BANC**

**MECHANICAL DEPARTMENT LABOR
UNION SA PHILIPPINE NATIONAL
RAILWAYS,**

Petitioner,

-versus-

**G.R. No. L-28223
August 30, 1968**

**COURT OF INDUSTRIAL RELATIONS,
and SAMAHAN NG MGA
MANGGAGAWA SA CALOOCAN
SHOPS,**

Respondents.

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DECISION

REYES, J.:

Petition by the "Mechanical Department Labor Union sa PNR" for a review of an order of the Court of Industrial Relations, in its Case No 1475-MC, directing the holding of a plebiscite election to determine whether the employees at the Caloocan Shops desire the respondent union, "Samahan ng Manggagawa sa Caloocan Shops", to be separated from the Mechanical Department Labor Union, with a view to the former being recognized as a separate bargaining unit.

The case began on 13 February 1965 by a petition of the respondent "Samahan ng Manggagawa, etc." calling attention to the fact that there were three unions in the Caloocan shops of the Philippine National Railways: the "Samahan," the "Kapisanan ng Manggagawa sa Manila Railroad Company," and the Mechanical Department Labor Union; that no certification election had been held in the last 12 months in the Caloocan shops; that both the "Samahan" and the Mechanical Department Labor Union had submitted different labor demands upon the management for which reason a certification election was needed to determine the proper collective bargaining agency for the Caloocan shop workers.

The petition was opposed by the management as well as by the Mechanical Department Labor Union, the latter averring that it had been previously certified in two cases as sole and exclusive bargaining agent of the employees and laborers of the PNR's mechanical department, and had negotiated two bargaining agreements with management in 1961 and 1963; that before the expiration of the latter, a renewal thereof had been negotiated and the contract remained to be signed; that the "Samahan" had been organized only in 21 January 1965; that the Caloocan shops unit was not established nor separated from the Mechanical Department unit; that the "Samahan" is composed mainly of supervisors who had filed a pending case to be declared non-supervisors; and that the purpose of the petition was to disturb the present smooth working labor management relations.

By an order of 18 August 1967, Judge Arsenio Martinez, after receiving the evidence, made the following findings:

"The Court, after a cursory examination of the evidence presented made the following findings: That petitioner union is composed of workers exclusively at the Caloocan shops of the Philippine National Railways charged with the maintenance of rolling stocks for repairs; major repairs of locomotive, engines, etc. are done in the Caloocan shops while minor ones in the Manila sheds; workers in the Caloocan shops do not leave their station unlike Manila shop workers who go out along the routes and lines for repairs; workers both in the Caloocan shops and Manila sheds are exposed to hazards occasioned by the nature of their work; that with respect to wages and salaries of

employees, categories under the Job Classification and Evaluation Plan of the company apply to all workers both in the Caloocan shops and Manila sheds; administration over employees, members of petitioner union as well as oppositor is under the Administrative Division of the company; that from the very nature of their work, members of petitioner union and other workers of the Mechanical Department have been under the coverage of the current collective bargaining agreement which was a result of a certification by this Court of the Mechanical Department Labor union, first in 1960 and later in 1963. Subsequently, when a latter contract expired, negotiations for its renewal were had and at the time of the filing of this petition was already consummated, the only act remaining to be done was to affix the signatures of the parties thereto; that during the pendency of this petition, on June 14, 1965, the aforesaid collective bargaining agreement was signed between the Philippine National Railways and the Mechanical Department Labor Union sa Philippine National Railways (Manila Railroad Company).

The main issue involved herein is: Whether or not a new unit should be established, the Caloocan shops, separate and distinct from the rest of the workers under the Mechanical Department now represented by the Mechanical Department Labor Union.

The Caloocan Shops, all located at Caloocan City have 360 workers more or less. It is part and parcel of the whole Mechanical Department of the Philippine National Railways. The department is composed of four main divisions or units, namely: Operations, Manila Area and Lines; Locomotive Crew; Motor Car Crew; and the Shops Rolling Stocks Maintenance. (Exhibits "D" and "D-1").

The Locomotive Crew and Motor Car Crew, though part of the Mechanical Department, is a separate unit, and is represented by the Union de Maquinistas, Fogoneros Y Motormen. The workers under the other two main units of the departments are represented by the Mechanical Department Labor Union. The workers of the Shops Rolling Stocks Maintenance Division or the Caloocan Shops now seek

to be separated from the rest of the workers of the department and to be represented by the “Samahan Ng Manggawa sa Caloocan Shops.”

There is certainly a community of interest among the workers of the Caloocan Shops. They are grouped in one place. They work under one or same working condition, same working time or schedule and are exposed to same occupational risk.

Though evidence on record shows that workers at the Caloocan Shops perform the same nature of work as their counterparts in the Manila Shed, the difference lies in the fact that workers at the Caloocan Shops perform major repairs of locomotives, rolling stocks, engines, etc., while those in the Manila Shed, works on minor repairs. Heavy equipment and machineries are found in the Caloocan Shops.”

The trial judge then reviewed the collective bargaining history of the Philippine National Railways, as follows:

“On several similar instances, this Court allowed the establishment of new and separate bargaining units in one company, even in one department of the same company, despite the existence of the same facts and circumstances as obtaining in the case at bar.

The history of the collective bargaining in the Manila Railroad Company, now the Philippine National Railways shows that originally, there was only one bargaining unit in the company, represented by the Kapisanan Ng Manggagawa sa MRR. Under Case No. 237-MC, this Court ordered the establishment of two additional units, the engine crew and the train crew to be represented by the Union de Maquinistas, Fogoneros, Ayudante Y Motormen and Union de Empleados de Trenes respectively. Then in 1961, under Cases Nos. 491-MC, 494-MC and 507-MC three new separate units were established, namely, the yard crew unit, station employees unit and engineering department employees unit, respectively, after the employees concerned voted in a plebiscite conducted by the court for the separation from existing bargaining units in the company. Then again, under Case No. 763-MC, a new unit, composed of the Mechanical Department employees, was established to be

represented by the Mechanical Department Labor Union. Incidentally, the first attempt of the employees of the Mechanical Department to be separated as a unit was dismissed by this Court in Case No. 488-MC.

In the case of the yard crew, station employees and the Engineering Department employees, the Supreme Court sustained the order of this Court in giving the employees concerned the right to vote and decide whether or not they desire to be separate units (See G.R. No. L-16292-94, L-16309 and L-16317-18, November, 1965)."

In view of its findings and the history of union representation in the railway company, indicating that bargaining units had been formed through separation of new units from existing ones whenever plebiscites had shown the workers' desire to have their own representatives, and relying on the "Globe doctrine" (Globe Machine & Stamping Co., 3 NLRB 294) applied in Democratic Labor Union vs. Cebu Stevedoring Co., L-10321, 28 February 1958, Judge Martinez held that the employees in the Caloocan Shops should be given a chance to vote on whether their group should be separated from that represented by the Mechanical Department Labor Union, and ordered a plebiscite held for the purpose. The ruling was sustained by the Court en banc; wherefore, the Mechanical Department Labor Union, appealed to this Court, questioning the applicability under the circumstances of the "Globe doctrine" of considering the will of the employees in determining what union should represent them.

Technically, this appeal is premature, since the result of the ordered plebiscite among the workers of the Caloocan shops may be adverse to the formation of a separate unit, in which event, as stated in the appealed order, all questions raised in this case would be rendered moot and academic. Apparently, however, the appellant Mechanical Department Labor Union takes it for granted that the plebiscite would favor separation.

We find no grave abuse of discretion in the issuance of the ruling under appeal as would justify our interfering with it. Republic Act No. 875 has primarily entrusted the prosecution of its policies to the Court of Industrial Relations, and, in view of its intimate knowledge

concerning the facts and circumstances surrounding the cases brought before it, this Court has repeatedly upheld the exercise of discretion of the Court of Industrial Relations in matters concerning the representation of employee groups (Manila Paper Mills Employees & Workers' Association vs. C.I.R., 104 Phil. 10; Benguet Consolidated vs. Bobok Lumber Jack Association, 103 Phil. 1150).

Appellant contends that the application of the "Globe doctrine" is not warranted because the workers of the Caloocan shops do not require different skills from the rest of the workers in the Mechanical Department of the Railway Company. This question is primarily one of fact. The industrial Court has found that there is a basic difference, in that those in the Caloocan shops not only have a community of interest and working conditions but perform major repairs of railway rolling stock, using heavy equipment and machineries found in said shops, while the others only perform minor repairs. It is easy to understand, therefore, that the workers in the Caloocan shops require special skill in the use of heavy equipment and machinery sufficient to set them apart from the rest of the workers. In addition, the record shows that the collective bargaining agreements negotiated by the appellant union have been in existence for more than two (2) years; hence, such agreements can not constitute a bar to the determination, by proper elections, of a new bargaining representative (PLDT Employees' Union vs. Philippine Long Distance Telephone Co., 51 Off. Gaz., 4519).

As to the charge that some of the members of the appellee, "Samahan Ng Manggagawa", are actually supervisors, it appears that the question of the status of such members is still pending final decision; hence, it would not constitute a legal obstacle to the holding of the plebiscite. At any rate, the appellant may later question whether the votes of those ultimately declared to be supervisors should be counted.

Whether or not the agreement negotiated by the appellant union with the employer, during the pendency of the original petition in the Court of Industrial Relations, should be considered valid and binding on the workers of the Caloocan shops is a question that should be first passed upon by the Industrial Court.

IN VIEW OF THE FOREGOING, the Order appealed from is affirmed, with costs against appellant Mechanical Department Labor Union sa Philippine National Railways.

Concepcion, C.J., Dizon, Makalintal, Zaldivar, Sanchez, Castro, Angeles and Fernando, JJ., concur.

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