

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT  
THIRD DIVISION**

**SAMAHAN NG MANGGAGAWA SA  
MOLDEX PRODUCTS, INC., ALEGRIA  
AQUINO AND 62 OTHERS AS  
APPEARING IN ANNEX "A",  
*Petitioners,***

***-versus-***

**G.R. No. 119467  
February 1, 2000**

**NATIONAL LABOR RELATIONS  
COMMISSION, LABOR ARBITER  
EDGARDO MADRIAGA, MOLDEX  
PRODUCTS, INC. AND MR. JACINTO  
UY,  
*Respondents.***

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**DECISION**

**PURISIMA, J.:**

This is a Petition for Certiorari under Rule 65 of the Rules of Court seeking to annul the Resolution,<sup>[1]</sup> dated November 29, 1994, and Resolution, dated January 30, 1995, of the National Labor Relations Commission in NLRC NCR CA No.6622-94.

The facts that matter are as follows:

In the earlier part of 1993, petitioners and private respondents negotiated for the renewal of their Collective Bargaining Agreement (“CBA”). Due to some economic differences, the negotiations ended in a deadlock.

On April 2, 1993, petitioners filed a notice of strike with the National Conciliation and Mediation Board (“NCMB”). The series of conferences proved unavailing.

On April 24, 1993, petitioner Union conducted a strike vote among its members, and the results of the voting were thereafter conveyed to the Alliance of Nationalist and Genuine Labor Organization (“ANGLO”) for submission to the NCMB, but for some unknown reason, the same was not made.

On May 5, 1993, petitioners went on strike without the report of the strike vote submitted to the NCMB.

On June 17, 1993, private respondents filed a “Petition to Declare Strike Illegal and Authorize Dismissal of the Officers and Other Employees for Illegal Acts”<sup>[2]</sup> with the National Labor Relations Commission (“NLRC”). The petition alleged that the petitioners barricaded the three gates of private respondent (Moldex) and committed acts of violence, threats and coercion. Docketed as NLRC-NCR Case No. 00-06-04019-93, the petition was raffled to Labor Arbiter Edgardo M. Madriaga (“LA Madriaga”). A Temporary Restraining Order (“TRO”) was later issued.

After efforts to reach an amicable settlement failed, trial on the merits was conducted, with the private respondents presenting their own witnesses and evidence. Petitioners did not present any witness but instead, relied on their Memorandum, contending that the private respondents’ pieces of evidence are inadmissible, for being hearsay, and that the pictures presented were neither identified nor authenticated by the photographer or an eyewitness.

On March 7, 1994, Labor Arbiter Madriaga came out with a Decision,<sup>[3]</sup> disposing thus:

“WHEREFORE, premises considered, the strike staged by respondents is hereby declared illegal for the aforementioned reasons, as a result of which the union officers, to wit:

Peter Nudalo	President
David Pastor	Vice-President
Alejandro Cabatingan	Secretary
Cipriano Selerio	Auditor
Wilfredo Uy	Treasurer
Jose Matining	P.R.O.
Clemente Ramos	Chairman of the Board
Rico Subion	Member of the Board
Maximino Villaverde	Member of the Board
Generoso Calalo	Member of the Board
Peter Lito Semillano	Member of the Board
Stephen Landong	Member of the Board
Henry Calero	Shop Steward
Nestor Obado	Shop Steward
Igmedio Espesor	Shop Steward
Eduardo Pastoril	Shop Steward
Ronaldo Nerbiol	Shop Steward
Nestor Samantilla	Shop Steward
Arceslo Barcelona	Shop Steward
Celso Rodriguez	Shop Steward

and individual respondents who committed prohibited acts in the course of the strike, to wit: A. Mararac, W. Guzman, R. Corpuz, N. Flores, E. Rambaoa, O. Martinez, J. Casim, S. Bergonia, L. Aquino, M. Muñoz, M. Legaspi, A. Ebrado, E. Caballero, J. Aguilar, B. Blace, P. Candado, C. Burato, V. dela Peña, L. Gaurino, J. Pacaldo, L. Daleon, G. Francisco, E. Blace, M. Jacobo, L. Dumaguin, J. Lumaban, F. Mendoza, R. Canones, R. Dumlao, J. Siccuan, L. Dumlao, L. Mararac, A. Labitan, D. Laguit, C. Villaviza, E. Viray, W. Dimailig, R. Ang, B. Llanos, F. Basilan, M. Tugadi, L. Villanueva and J. Mansion are hereby declared to have validly forfeited their employment status.

The rest of the striking workers, including those who were identified in petitioner’s affidavits and/or photographs, but

were not formally impleaded as party respondents are hereby ordered reinstated without backwages.

Respondents are hereby ordered to remove all obstructions barring free ingress to and egress from company premises.

SO ORDERED.”

Petitioners appealed to the NLRC which, in its Resolution<sup>[4]</sup> promulgated on November 22, 1994, held:

“We remand.

From our perusal of the records, it has dawned on Us that both parties were not able, for reasons and/or causes known only to them, to submit crucial evidence in support of their respective contentions. On the part of the petitioner, no evidence is there to support its claim that the individual respondents were sent notices. Considering the impact of a declaration of illegality of strike, the forfeiture of employment, extra caution must be taken by the Labor Arbiter in this regard.

As it appears that respondents are insistent in their posture that a strike vote had been conducted and and [sic] the same is in the custody of the federation, We are inclined to the view that, in keeping with the principles of fair play and equity, respondents be extended a final opportunity to produce the strike vote and the results thereof in evidence before the Labor Arbiter of origin. This, to Us, is the equitable measure to take under the circumstances.

Pending resolution, complainant-appellee filed a Motion to Delete Names. Let the same incident be remand [sic] for appropriate action.

WHEREFORE, the decision appealed from is hereby vacated and set aside, and the case remanded to the Labor Arbiter for further proceedings.

SO ORDERED.”

Petitioners presented a Motion for Reconsideration of the aforesaid Resolution on the grounds that a full-blown trial was already conducted and that a remand will only delay the case, but the NLRC denied the same. Forthwith, petitioners found their way to this Court via the present petition, anchored on the grounds that:

“THE PUBLIC RESPONDENT COMMITTED GRAVE ABUSE OF DISCRETION TANTAMOUNT TO LACK OR EXCESS OF JURISDICTION IN RESOLVING TO REMAND THE CASE TO THE ARBITER OF ORIGIN AS THE REQUIREMENTS OF PROCEDURAL DUE PROCESS HAD BEEN COMPLIED WITH.

THE PUBLIC RESPONDENT COMMITTED GRAVE ABUSE OF DISCRETION TANTAMOUNT TO LACK OR EXCESS OF JURISDICTION IN RESOLVING TO REMAND THE CASE FOR FURTHER PROCEEDINGS AS THERE ARE NO CONFLICTING VERSIONS OF FACTUAL MATTERS.”

The Solicitor General, for his part, raised the additional issue of:

“WHETHER OR NOT THE STRIKE CONDUCTED BY PETITIONERS WAS ILLEGAL.”

After a studied review of the attendant facts and study of the applicable law in the case, the Court is of the opinion, and so holds, that the public respondent committed grave abuse of discretion in remanding the case to the labor arbiter of origin for further reception of evidence. Reception of evidence would be a futile exercise considering that the facts are already clear and complete, and would not alter the outcome of the case.

It has been shown that the results of the strike-vote were never forwarded to the NCMB, as admitted by petitioners themselves and as attested to by a Certification of Non-Submission of Strike Vote issued by the NCMB.<sup>[5]</sup> There is thus no need for additional evidence on the matter, as it would not change the fact that the results of the strike-vote were not submitted to the NCMB. Without the submission of the results of the strike-vote, the strike was illegal, pursuant to Article 264 of the Labor Code, which reads:

“ARTICLE 264. Prohibited activities. — (a) No labor organization or employer shall declare a strike or lockout without first having bargained collectively in accordance with Title VII of this Book or without first having filed the notice required in the preceding Article or without the necessary strike or lockout vote first having been obtained and reported to the Ministry.

X X X

Any worker whose employment has been terminated as a consequence of an unlawful lockout shall be entitled to reinstatement with full back wages. Any union officer who knowingly participates in a illegal strike and any worker or union officer who knowingly participates in the commission of illegal acts during a strike may be declared to have lost his employment status: Provided, That mere participation of a worker in a lawful strike shall not constitute sufficient ground for termination of his employment, even if a replacement had been hired by the employer during such lawful strike.”

Neither is there any need to remand the case to determine whether petitioners were sent notices or copies of the petition and whether the service of a copy of private respondent's (Moldex) formal offer of evidence with the federation, ANGLO, instead of petitioners' counsel, was valid. In their Memorandum (paragraph 31), petitioners deny ever making such a claim. And if ever they made such claim, they are now waiving such irregularity, dispensing with the need of resolving the same.

It is therefore established that the result of the strike-vote was not submitted to the NCMB making the strike staged by petitioners illegal, in accordance with Article 264 of the Labor Code.

The requirements of procedural due process had been complied with. Petitioners and private respondents were allowed to present their witnesses and evidence. Private respondents presented their witnesses, while petitioners did not, opting instead to file a Memorandum, challenging the admissibility of private respondents'

pieces of evidence. So long as a party is given an opportunity to be heard and to submit his evidence, the requirements of procedural due process are complied with.<sup>[6]</sup>

Anent the Solicitor General's stance that the strike conducted by petitioners was illegal, the records of the case and the proceedings before Labor Arbiter Madriaga confirm the same. Aside from not submitting the result of the strike-vote to the NCMB, petitioners also committed acts of violence, threats, coercion and intimidation during the strike. As found by Labor Arbiter Madriaga:

“But even going into the merits of the case, petitioner has established by substantial evidence on record that respondents totally blocked free ingress to and egress from petitioner's premises and committed illegal acts of violence, threats, coercion and intimidation in the course of their strike.”

The affidavits of the witnesses of respondents which they offered during trial are as follows:

Edwin Bayan averred in his Affidavit that on June 11, 1993 he saw A. Mararac holding a Molotov; that W. Guzman, R. Corpuz, N. Flores, D. Rombaoa, O. Martinez and J. Casim threw stones at company vehicles containing employees who wanted to report for work; and that on June 11 and June 14, 1993 the following employees formed a human barricade which prevented employees who wished to work from entering the premises, to wit: S. Bergonia, L. Aquino, M. Muñoz, R. Corpuz, one Mararac, N. Flores, M. Legaspi, J. Matining, A. Ebrado, E. Caballero, R. Subion, J. Aguilar, I. Espesor, B. Blace, P. Candado, C. Burato, V. dela Peña, P. Nudalo, L. Gaurino, L. Dumlao, J. Pacaldo, L. Daleon, one Francisco, D. Pastor, E. Blace, O. Martinez, M. Jacobo, L. Dumaguin, J. Lumaban, F. Mendoza, R. Canones, H. Calero, M. Villaverde, R. Dumlao, J. Siccuan, E. Rombaoa, L. Mararac, S. Landong, W. Guzman, A. Mararac, S. Bergonia, C. Rodriguez, A. Labitan, J. Casim, N. Obado, D. Laguit and C. Villaviza.

Mr. Libio B. Cruz, Jr. in his sworn affidavit alleged that on June 15, 1993, Emmanuel Viray, Cristito Burato, Pascual

Capangpangan and Maximino Villaverde threw stones at the Injection and Films & Sheets Building breaking the window panes and resulting in the filing of criminal cases before the Prosecutor's Office at Valenzuela; and that Engineering Supervisor Fidel Santiago was threatened by Peter Nudalo, Francisco Basilan, David Pastor and Leonardo Gaurino resulting in the filing of a criminal complaint for Grave Threats before the Prosecutor's Office at Valenzuela.

Guillermo Tadeo Banaag averred in his affidavit that he was coerced by Union President Pedro Nudalo to stop working and that Jaime Mansion switched off the circuit breaker to render company machines inoperable.

Oliver Salamera and Juancho Sacro alleged in their Joint Affidavit on May 5, 1993 that Union Officers Nudalo, Landong, Ramos, Semillano, Subion and Cabatingan coerced them to stop working, barricaded the gates and prohibited them from returning to work.

Nicolas Bauto and Joselito Custodio in their Joint Affidavit alleged that they were threatened with bodily harm by union officers and members forcing them to leave the plant for fear of bodily harm.

The sworn allegations of the foregoing affidavits who all took the witness stands were corroborated by the photographs submitted by petitioner in evidence and which were not rebutted by respondents, to wit:

Exhibit '1' is a blow-up photograph showing wooden planks and tent obstructing the company gate and Maysan Road leading to the company premises.

Exhibits '2' and '3' show that hollow blocks were stacked and tents built across the gate.

Exhibits '4' to '9' show security guards dismantling obstructions built by respondents across the company gates, pursuant to the

TRO issued by the Commission in the Injunction case filed by petitioner.

Exhibits '10' to '16' show a human blockade barring a bus carrying other employees who wanted to report for work from entering company premises.

In picture No. 21 of Exhibit '11' and pictures 26 to 29 of Exhibits '12' to '15', those strikers who prevented the bus from carrying workers who wanted to report for work were identified in the Formal Offer of Evidence as Jerry Lumaban, Celso Rodriguez, Bernard Llanos, Cristito Burato, Jerry Aguilar, Rico Subion, Rufino Ang, Pete Lito Semillano, Sonny Bergonia, Jaime Mansion, Edwin Almonte, Margarito Legaspi, Reynaldo Corpuz, Wilfredo Dimailig, David Pastor, Clemente Ramos, Leonardo Gaurino, Leonardo Villanueva, Edmund Arcena, Stephen Landong, Willy Guzman, Maximino Villaverde, Generoso Calalo, Igmedio Espesor, Diomar Serafica, John Nero Pacaldo, Joselito Muñoz, Cristopher Lias and Antonio Awalay.

Exhibit '17' shows two strikers about to throw stones, identified in the Formal Offer of Evidence as Stephen Landong and Jimmy Casim.

Exhibit '18' shows a flat tire of the bus caused by strikers, and Exhibits '19', '20' and '21' show the broken windows of the bus which was barred by strikers from entering company premises.

Exhibits '22' to '30' showed that the strikers used a human blockade, wooden posts and threw big stones and rocks to bar a bus from entering the company premises.

Picture No. 14 of Exhibit '22', picture No. 5 of Exhibit '23' reveal that the strikers who prevented a bus carrying employees who wanted to report for work on June 14, 1993 are Stephen Landong, Emerson Rombada, George Francisco, Nicasio Flores, Julieto Albania, Arnel John Santos, Willy Guzman, Elvira Caballero, Alfredo Viernes, Elecito Blanco, Vicleo dela Peña, Cesario Villaviza, Leonardo Villanueva, Loreto Mararac, Celestino del Rosario, Alegria Aquino and Leonardo de Leon.

Exhibits '31' to '34' show that the strikers used big stones, rocks, wooden materials and GI sheets along Maysan Road leading to the company gates which made the road impassable.

All the foregoing evidence undoubtedly prove that indeed respondents blocked free ingress to and egress from the company premises by way of physical obstructions, human blockades, acts of violence, coercion, threats and intimidation.”<sup>[7]</sup>

It bears stressing that factual findings of labor officials are conclusive and binding on the Supreme Court when supported by substantial evidence.<sup>[8]</sup> After going over the records on hand, the Court discerns no ground for disturbing the above-quoted findings of Labor Arbiter Madriaga as the same are basically supported by substantial evidence and his conclusion accords with law.

With respect to petitioners' allegation that the testimonies of the private respondents' witnesses were hearsay and that the pictures presented during trial were not authenticated or identified, the same is without merit. Technical rules of procedure are not binding in labor cases.<sup>[9]</sup> The application of technical rules of procedure may be relaxed to serve the demands of substantial justice.<sup>[10]</sup>

In fine, the Court holds that there is no need to remand this case to the Labor Arbiter for further proceedings, as the facts are clear and complete on the basis of which a decision can be made. Furthermore, the decision of Labor Arbiter Madriaga is supported by substantial evidence and is in accordance with law.

**WHEREFORE**, the assailed Resolutions, dated November 29, 1994 and January 30, 1995, respectively, of the Second Division of the National Labor Relations Commission in NLRC NCR CA No. 6622-94 are **SET ASIDE**; and the strike staged by petitioners declared **ILLEGAL**, with the **FORFEITURE** of the employment status of the petitioners, Peter Nudalo, David Pastor, Alejandro Cabatingan, Cipriano Selerio, Wilfredo Uy, Jose Matining, Clemente Ramos, Rico Subion, Maximino Villaverde, Generoso Calalo, Peter Lito Semillano, Stephen Landong, Henry Calero, Nestor Obado, Igmedio Espesor,

Eduardo Pastoril, Ronaldo Nerbiol, Nestor Samantilla, Arceslo Barcelona, Celso Rodriguez, A. Mararac, W. Guzman, R. Corpus, N. Flores, E. Rambaosa, O. Martinez, J. Casim, S. Bergonia, L. Aquino, M. Muñoz, M. Legaspi, A. Ebrado, E. Caballero, J. Aguilar, B. Blace, P. Candado, C. Burato, V. dela Peña, L. Gaurino, J. Pacaldo, L. Daleon, G. Francisco, E. Blace, M. Jacobo, L. Dumaguin, J. Lumaban, F. Mendoza, R. Cannes, R. Dumlao, J. Siccuan, L. Dumlao, L. Mararac, A. Labitan, D. Laguit, C. Villaviza, E. Viray, W. Dimailig, R. Ang, B. Llanos, F. Basilan, M. Tugadi and, L. Villanueva **UPHELD**. No pronouncement as to costs.

**SO ORDERED.**

**Melo, Vitug, Panganiban and Gonzaga-Reyes, JJ., concur.**

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- [1] Penned by Commissioner Rogelio I. Rayala and concurred by Commissioners Raul T. Aquino and Victoriano R. Calaycay.
- [2] Rollo, pp. 52-58.
- [3] Rollo, pp. 34-48.
- [4] Rollo, pp. 26-33.
- [5] See Decision of Labor Arbiter, p. 6; Rollo, p. 39.
- [6] Midas Touch Food Corporation vs. National Labor Relations Commission, 259 SCRA 652, 658; Alliance of Democratic Free Labor Organization vs. Laguesma, 254 SCRA 565.
- [7] Rollo, Decision of Labor Arbiter Madriaga, pp. 40-44.
- [8] Conti vs. National Labor Relations Commission, 271 SCRA 114.
- [9] Philippine Telegraph and Telephone Corporation vs. NLRC, 183 SCRA 451.
- [10] El Toro Security Agency, Inc. vs. National Labor Relations Commission, 256 SCRA 363.