SUPREME COURT
SECOND DIVISION

WARREN MANUFACTURING WORKERS UNION (WMWU),
***Petitioner*,**

-versus-

G.R. No. L-76185
March 30, 1988

THE BUREAU OF LABOR RELATIONS; PHILIPPINE AGRICULTURAL, COMMERCIAL AND INDUSTRIAL WORKERS UNION (PACIWU); and SAMAHANG MANGGAGAWA SA WARREN MANUFACTURING CORP.-ALLIANCE OF NATIONALIST AND GENUINE LABOR ORGANIZATIONS (SMWMC-ANGLO),
***Respondents*.**
x----------x

D E C I S I O N

PARAS, *J.*:

This is a Petition for Review on *Certiorari* with prayer for a preliminary injunction and/or the issuance of a restraining order seeking to set aside: (1) Order of the Med-Arbiter dated August 18, 1986, the dispositive portion of which reads:

"WHEREFORE, premises considered, a certification election is hereby ordered conducted to determine the exclusive bargaining representative of all the rank and file employees of Warren Manufacturing Corporation, within 20 days from receipt of this Order, with the following choices:

1. Philippine Agricultural, Commercial and Industrial Workers Union (PACIWU);

2. Warren Mfg. Workers Union;

3. Samahan ng Manggagawa sa Warren Mfg. Corporation-ANGLO; and

4. No Union.

"The representation Officer is hereby directed to call the parties to a pre-election conference to thresh out the mechanics for the conduct of the actual election.

"SO ORDERED." (Rollo, p. 15).

and (2) the Resolution dated October 7, 1986 of the Officer-in-Charge of the Bureau of Labor dismissing the appeals of Warren Manufacturing Corporation and herein petitioner (Annex "B", Rollo, pp. 16-18).

This certification case had its inception in an intra-union rivalry between the petitioner and the respondent Philippine Agricultural, Commercial and Industrial Workers Union (PACIWU for short) since 1985.

The undisputed facts of this case as found by the Med-Arbiter of the Bureau of Labor Relations are as follows:

"On June 13, 1985, PACIWU filed a petition for certification election, alleging compliance with the jurisdictional requirements.

"On July 7, 1985, respondent thru counsel filed a motion to dismiss the petition on the ground that there exists a C.B.A. between the respondent and the Warren Mfg. Union which took effect upon its signing on July 16, 1985 and to expire on July 31, 1986.

"While the petition was under hearing, PACIWU filed a Notice of Strike and on conciliation meeting, a Return-to-Work Agreement was signed on July 25, 1985, stipulating, among others, as follows:

> 'To resolve the issue of union representation at Warren Mfg. Corp. parties have agreed to the holding of a consent election among the rank and file on August 25, 1985 at the premises of the company to be supervised by MOLE.
>
> 'It is clearly understood that the certified union in the said projected election shall respect and administer the existing CBA at the company until its expiry date on July 31, 1986.'

"On 12 August 1985, an Order was issued by this Office, directing that a consent election be held among the rank and file workers of the company, with the following contending unions:

1. Philippine Agricultural, Commercial and Industrial Workers Union (PACIWU);

2. Warren Mfg. Workers Union;

3. No Union.

"On August 25, 1985, said consent election was held, and yielded the following results:

PACIWU	94
WMWU	193

"Feeling aggrieved, however, PACIWU filed an Election Protest.

> "In December, 1985 a Notice of Strike was again filed by the union this time with the Valenzuela branch office of this Ministry, and after conciliation, the parties finally agreed, among others, to wit:
>
> > "In consideration of this payment, individual complaints and PACIWU hereby agree and covenant that the following labor complaints/disputes are considered amicably settled and withdrawn/dismissed, to wit:
> >
> > > "On the basis of a Joint Motion to Dismiss filed by the parties, the Election Protest filed by the PACIWU was ordered dismissed." (Rollo, pp. 12-13).

On June 5, 1986, the PACIWU filed a petition for certification election followed by the filing of a petition for the same purposes by the Samahan ng Manggagawa sa Warren Manufacturing Corporation-Alliance of Nationalist and Genuine Labor Organizations (Anglo for short) which petitions were both opposed by Warren Manufacturing Corporation on the grounds that neither petition has 30% support; that both are barred by the one-year no certification election law and the existence of a duly ratified CBA. The therein respondent, therefore, prayed that the petitions for certification election be dismissed. (Rollo, pp. 11-12).

As above stated, the Med-Arbiter of the National Capital Region, Ministry of Labor and Employment, ordered on August 18, 1986 the holding of a certification election within twenty (20) days from receipt to determine the exclusive bargaining representative of all the rank and file employees of the Warren Manufacturing Corporation, with the above-mentioned choices.

Both Warren Manufacturing Corporation and petitioner herein filed separate motions, treated as appeals by the Bureau of Labor Relations, which dismissed the same for lack of merit.

Hence, this petition.

This petition was filed solely by the Warren Manufacturing Workers Union, with the company itself opting not to appeal.

The Second Division of this Court in the resolution of November 3, 1986 without giving due course to the petition, required the respondents to comment and issued the temporary, restraining order prayed for (Rollo, pp. 18-20).

The comment of the respondent PACIWU was filed on November 27, 1986 (Ibid., pp. 29-32). The public respondent through the Hon. Solicitor General filed its Comment to the petition on December 10, 1986 (Ibid., pp. 34-43) and private respondent ANGLO, filed its comment on December 16, 1986 (Ibid., pp. 45-51). The petitioner with leave of court filed its reply to comment entitled a rejoinder on January 6, 1987 (Ibid., pp. 52-62).

In the resolution of January 26, 1987, the petition was given due course and the parties were required to submit their respective memoranda (Ibid., p. 76).

Memorandum for public respondent was filed on February 20, 1987 (Ibid., p. 82-88). Respondent PACIWU's memorandum was filed on March 18, 1987 (Ibid., pp. 95-99). SMWMC-ANGLO'S Memorandum was filed on March 23, 1987 (Ibid., pp. 100-109) and the petitioner's memorandum was filed on March 31, 1987 (Ibid., pp. 110-120).

In its memorandum, petitioner raised the following issues:

A. The holding of a certification election at the bargaining unit is patently premature and illegal.

B. The petitions filed by private respondents do not have the statutory 30% support requirement.

C. Petitioner was denied administrative due process when excluded from med-arbitration proceedings.

The petition is devoid of merit.

Petitioner's contention is anchored on the following grounds:

Section 3, Rule V of the Implementing Rules and Regulations of the Labor Code provides, among others:

> "However no certification election may be held within one (1) year from the date of the issuance of the declaration of a final certification result."

and

Article 257, Title VII, Book V of the Labor Code provides:

> "No certification election issue shall be entertained by the Bureau in any Collective Bargaining Agreement existing between the employer and a legitimate labor organization."

Otherwise stated, petitioner invoked the one-year no certification election rule and the principle of the Contract Bar Rule.

This contention is untenable.

The records show that petitioner admitted that what was held on August 25, 1985 at the Company's premises and which became the root of this controversy, was a consent election and not a certification election (italics supplied). As correctly distinguished by private respondent, a consent election is an agreed one, its purpose being merely to determine the issue of majority representation of all the workers in the appropriate collective bargaining unit while a certification election is aimed at determining the sole and exclusive bargaining agent of all the employees in an appropriate bargaining unit for the purpose of collective bargaining. From the very nature of consent election, it is a separate and distinct process and has nothing to do with the import and effect of a certification election. Neither does it shorten the terms of an existing CBA nor entitle the participants thereof to immediately renegotiate an existing CBA although it does not preclude the workers from exercising their right to choose their sole and exclusive bargaining representative after the expiration of the sixty (60) day freedom period. In fact the Med-Arbiter in the Return to Work Agreement signed by the parties emphasized the following:

> "To resolve the issue of union representation at Warren Mfg. Corp., parties have agreed to the holding of a consent election among the rank and file on August 25, 1985 at the premises of the company to be supervised by the Ministry of Labor and Employment.
>
> "It is clearly understood that the certified union in the said projected election shall respect and administer the existing CBA at the company until its expiry date on July 31, 1986." (Rollo, pp. 46, 48-49).

It is, therefore, unmistakable that the election thus held on August 25, 1985 was not for the purpose of determining which labor union should be the bargaining representative in the negotiation for a collective contract, there being an existing collective bargaining agreement yet to expire on July 31, 1986; but only to determine which labor union shall administer the said existing contract.

Accordingly, the following provisions of the New Labor Code apply:

> "ART. 254. Duty to bargain collectively when there exists a collective bargaining agreement. — When there is a collective bargaining agreement, the duty to bargain collectively shall also mean that neither party shall terminate or modify the agreement at least sixty (60) days prior to its expiration date. It shall be the duty of both parties to keep the status quo and to continue in full force and effect the terms and conditions of the existing agreement during the 60-day period and/or until a new agreement is reached by the parties".
>
> "Corollary to the above, Article 257 of the New Labor Code expressly states that No certification election issue shall be entertained if a collective agreement which has been submitted in accordance with Article 231 of this Code exists between the employer and a legitimate labor organization except within sixty (60) days prior to the expiration of the life of such certified collective bargaining agreement." (Rollo, pp. 83-84)

Thus, as stated by this Court in General Textiles Allied Workers Association vs. the Director of the Bureau of Labor Relations (84 SCRA 430 [1978]) "there should be no obstacle to the right of the employees to petition for a certification election at the proper time, that is, within 60 days prior to the expiration of the three year period."

Finally, such premature agreement entered into by the petitioner and the Company on June 2, 1986 does not adversely affect the petition for certification election filed by respondent PACIWU (Rollo, p. 85).

Section 4, Rule V, Book V of the Omnibus Rules Implementing the Labor Code clearly provides:

> "Section 4. Effect of Early Agreement. — The representation case shall not, however, be adversely affected by a collective agreement submitted before or during the last sixty days of a subsisting agreement or during the pendency of the representation case."

Apart from the fact that the above Rule is clear and explicit, leaving no room for construction or interpretation, it is an elementary rule in administrative law that administrative regulations and policies enacted by administrative bodies to interpret the law which they are entrusted to enforce, have the force of law and are entitled to great respect (Español vs. Philippine Veterans Administration, 137 SCRA 314 [1985]).

As aforestated, the existing collective bargaining agreement was due to expire on July 31, 1986. The Med-Arbiter found that a sufficient number of employees signified their consent to the filing of the petition and 107 employees authorized intervenor to file a motion for intervention. Otherwise stated, he found that the petition and intervention were supported by more than 30% of the members of the bargaining unit. In the light of these facts, Article 258 of the Labor Code makes it mandatory for the Bureau of Labor Relations to conduct a certification election (Samahang Manggagawa ng Pacific Mills, Inc. vs. Noriel, et al., 134 SCRA 152 [1985]). In the case of Federation of Free Workers (Bisig ng Manggagawa sa UTEX vs. Noriel etc., et al., 86 SCRA 132 [1978]), this Court was even more

specific when it stated "No administrative agency can ignore the imperative tone of the above article. The language used is one of command. Once it has been verified that the petition for certification election has the support of at least 30% of the employees in the bargaining unit, it must be granted. The specific word used can yield no other meaning. It becomes under the circumstances, 'mandatory.'"

The finality of the findings of fact of the Med-Arbiter that the petition and intervention filed in the case at bar were supported by 30% of the members of the workers is clear and definite.

WHEREFORE, the instant Petition is **DISMISSED.**

SO ORDERED.

Yap, Melencio-Herrera, Padilla and Sarmiento, *JJ*., concur.