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| 5 yrs 1 day-10 yrs. | 1,552.00 | 1,677.62 | 1,957.20 |
| 10 yrs 1 day-15 yrs. | 1,664.00 | 1,800.00 | 2,400.00 |
| 15 yrs 1 day-above | 1,720.00 | 2,016.93 | 2,850.00 |

Private respondent union will receive more cash benefits if the divisor 12 will be used. The questioned public respondent's NLRC June 23, 1983 decision and June 17, 1986 resolution are, therefore, only in keeping with the constitutional mandate for the State to afford full protection to labor such that, when conflicting interests of labor and capital are to be weighed on the scales of sound practice, the heavier influence of the latter should be counterbalanced by the sympathy and compassion the law must accord the underprivileged worker.[16]

**WHEREFORE,** premises considered, the petition is denied for lack of merit. Costs against the petitioner.

**SO ORDERED.**

*Narvasa, C.J. (Chairman), Padilla,* and *Regalado, JJ.,* concur.

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**FIRST DIVISION**

[G.R. No. 83190. August 4, 1992]

**CEBU SEAMEN'S ASSOCIATION, INC.,** *petitioner, vs.* **HON. PURA FERRER-CALLEJA, SEAMEN'S ASSOCIATION OF THE PHILS./DOMINICA C. NACUA,** *respondents*.

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[16] *Philippine Telegraph and Telephone Corporation vs. NLRC,* 183 SCRA 451, 456.

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## SYLLABUS

1. **LABOR AND SOCIAL LEGISLATION; LABOR RELATIONS; MED-ARBITER HAS THE AUTHORITY AND JURISDICTION TO ACT ON ALL INTER-UNION AND INTRA-UNION DISPUTES.—** There is no doubt that the controversy between the aforesaid two sets of officers is an intra-union dispute. Both sets of officers claim to be entitled to the release of the union dues collected by the company with whom it had an existing CBA. The controversy involves claims of different members/officers to certain rights granted under the labor code. Article 226 of the Labor Code vests upon the Bureau of Labor Relations and Labor Relations Division the original and exclusive authority and jurisdiction to act on all inter-union and intra-union disputes. Therefore, the Med-Arbiter originally, and the Director on appeal, correctly assumed jurisdiction over the controversy.

2. **ID.; ID.; LABOR ORGANIZATION; REGISTRATION THEREOF WITH THE BUREAU OF LABOR RELATIONS THAT MAKES IT A LEGITIMATE LABOR ORGANIZATION WITH RIGHTS AND PRIVILEGES GRANTED UNDER THE LABOR CODE.—** As stated in the findings of fact in the questioned resolution of Director Pura Ferrer-Calleja, on October 23, 1950, a group of deck officers organized the Cebu Seamen's Association, Inc., (CSAI), a non-stock corporation and registered it with the Securities and Exchange Commission (SEC). The same group registered the organization with the Bureau of Labor Relations (BLR) as Seamen's Association of the Philippines (SAPI). It is the registration of the organization with the BLR and not with the SEC which made it a legitimate labor organization with rights and privileges granted under the Labor Code.

3. **ID.; ID.; EXPULSION OF OFFICER FROM THE CORPORATION; DOES NOT AFFECT HER MEMBERSHIP WITH THE LABOR UNION.—** Before the controversy, private respondent Dominica Nacua was elected president of the labor union, SAPI. It had an existing CBA with Aboitiz Shipping Corporation. Before the end of the term of private respondent Nacua, some members of the union which included Domingo Machacon and petitioner Manuel Gabayoyo showed signs of discontentment with the leadership of Nacua.

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This break-away group revived the moribund corporation and issued an undated resolution expelling Nacua from the association. Sometime in February, 1987, it held its own election of officers supervised by the Securities and Exchange Commission. It also filed a case of estafa against Nacua sometime in May, 1986. The expulsion of Nacua from the corporation, of which she denied being a member, has however, not affected her membership with the labor union. In fact, in the elections of officers for 1987-1989, she was re-elected as the president of the labor union. In this connection, We cannot agree with the contention of Gabayoyo that Nacua was already expelled from the union. Whatever acts their group had done in the corporation do not bind the labor union. Moreover, Gabayoyo cannot claim leadership of the labor group by virtue of his having been elected as a president of the dormant corporation CSAI.

**4. ID.; ID.; LEGITIMATE LABOR ORGANIZATION; ENTITLED TO THE COLLECTION AND CUSTODY OF UNION DUES.—** Public respondent Bureau of Labor Relations correctly ruled on the basis of the evidence presented by the parties that SAPI, the legitimate labor union, registered with its office, is not the same association as CSAI, the corporation, insofar as their rights under the Labor Code are concerned. Hence, the former and not the latter association is entitled to the release and custody of union fees with Aboitiz Shipping and other shipping companies with whom it had an existing CBA.

**5. POLITICAL LAW; ADMINISTRATIVE LAW; DECISIONS OF ADMINISTRATIVE OFFICER; GENERALLY NOT DISTURBED BY COURT; EXCEPTION.—** Under the principles of administrative law in force in this jurisdiction, decisions of administrative officers shall not be disturbed by courts, except when the former acted without or in excess of their jurisdiction or with grave abuse of discretion.

**APPEARANCES OF COUNSEL**

*Paterno P. Natinga* for petitioner.

*Romeo S. Occena* for Seamen's Association of the Philippines.

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## D E C I S I O N

**MEDIALDEA, *J.*:**

This petition seeks the reversal of the resolution of the Bureau of Labor Relations[1] which affirmed the decision of the Med-Arbiter holding that the set of officers of Seamen's Association of the Philippines headed by Dominica C. Nacua, as president, was the lawful set of officers entitled to the release and custody of the union dues as well as agency fees of said association. The dispositive portion of the resolution reads:

"WHEREFORE, premises considered, the Order of the Med-Arbiter dated 13 July 1987 is hereby affirmed and the appeal therefrom DISMISSED for lack of merit." (p. 39, *Rollo*)

The facts surrounding the controversy in this case, as stated in the questioned resolution, is as follows:

"The records show that sometime on 23 October 1950, a group of deck officers and marine engineers on board vessels plying Cebu and other ports of the Philippines organized themselves into an association and registered the same as a non-stock corporation known as Cebu Seamen's Association, Inc. (CSAI), with the Securities and Exchange Commission (SEC). Later, on 23 June 1969, the same group registered its association with this Bureau as a labor union known as the Seamen's Association of the Philippines, Incorporated (SAPI).

"SAPI has an existing collective bargaining agreement (CBA) with the Aboitiz Shipping Corporation which will expire on 31 December 1988. In consonance with CBA said company has been remitting checked-off union dues to said union until February, 1987 when a group composed of members of said union, introducing itself to be its new set of officers, went to the company and claimed that they are entitled to the remittance and custody of such union dues. This group, headed by Manuel Gabayoyo claims that they were elected as such on January 20, 1987 under the supervision of the SEC.

"On 26 May 1987, another group headed by Dominica C. Nacua, claiming as the duly elected set of officers of the union in an election

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[1] Dated February 19, 1988 issued by Director Pura Ferrer-Calleja.

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held on 20 December 1986, filed a complaint, for and on behalf of the union, against the Cebu Seamen's Association, Inc. (CSAI) as represented by Manuel Gabayoyo for the security of the aforementioned CBA, seeking such relief, among others, as an order restraining the respondent from acting on behalf of the union and directing the Aboitiz Shipping Corp. to remit the checked-off union dues for the months of March and April 1987.

"On 10 June 1987, respondent CSAI filed its Answer/Position Paper alleging that the complainant union and CSAI are one and the same union: that Dominica C. Nacua and Atty. Prospero Paradilla who represented the union had been expelled as members/officers as of November 1984 for lawful causes; and, that its set of officers headed by Manuel Gabayoyo has the lawful right to the remittance and custody of the corporate funds (otherwise known as union dues) in question pursuant to the resolution of the SEC dated 22 April 1987.

"To bolster further its posture, on the following day, 11 June 1987, the respondent also filled a Motion to Dismiss the Complaint on the grounds, among others, that the SEC, not the Med-Arbiter, has jurisdiction over the dispute as provided under P.D. NO. 902-A; that there can neither be a complainant nor respondent in the instant case as the parties involved are one and the same labor union, and that Mrs. Dominica C. Nacua and Atty. Prospero Paradilla have no personality to represent the union as they had already been expelled as members/officers thereof in two resolutions of the Board of Directors dated November 1984 and January 17, 1987.

"On 19 June 1987, the Med-Arbiter issued an Order denying said motion but directing the Aboitiz Shipping Corporation to remit the already checked-off union dues to the complainant union through its officers end to continue remitting any checked-off union dues until further notice. The Med-Arbiter also act futher hearing of the complaint on July 1, 1987.

"On 19 June 1987, the respondent filed a motion for reconsideration of said order of 19 June 1987, reiterating its previous position. Thereafter, the Med-Arbiter issued the assailed Order. xxx." (pp. 34-35, *Rollo*)

From the decision of the Med-Arbiter, Cebu Seamen's Association headed by Capt. Gabayoyo filed an appeal with the Bureau of Labor Relations (BLR).

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The BLR, as already stated, affirmed the decision of the Med-Arbiter in a resolution dated February 19, 1988. The Gabayoyo group appealed to the Office of the Secretary, Department of Labor, which appeal was considered as a motion for reconsideration of the BLR's decision. The said appeal/ motion for consideration was denied for lack or merit on April 11, 1988 (p. 42, *Rollo*) by the BLR.

Hence, this petition.

There are three issues presented for resolution in this petition, to wit:

1. WHETHER OR NOT THE MED-ARBITER OF REGION VII HAS JURISDICTION OVER THE CASE AT BAR.
2. WHETHER OR NOT THE COMPLAINANT-APPELLEE THE SEAMEN'S ASSOCIATION OF THE PHILIPPINES WAS REGISTERED AS A LABOR FEDERATION WITH THE BUREAU OF LABOR RELATIONS.
3. WHETHER OR NOT DOMINICA C. NACUA AND PROSPERO PARADIL(L)A HAVE (THE) PERSONALITY TO REPRESENT THE HEREIN COMPLAINANT-APPELLEE, CONSIDERING THAT BOTH OF THEM HAVE BEEN EXPELLED FROM THE ASSOCIATION "SEAMEN'S ASSOCIATION OF THE PHILIPPINES, INC." (FORMERLY THE CEBU SEAMEN'S ASSOCIATION, INC.).

There is no doubt that the controversy between the aforesaid two sets of officers is an intra-union dispute. Both sets of officers claim to be entitled to the release of the union dues collected by the company with whom it had an existing CBA. The controversy involves claims of different members/officers to certain rights granted under the labor code.

Article 226 of the Labor Code vests upon the Bureau of Labor Relations and Labor Relations Division the original and exclusive authority and jurisdiction to act on all inter-union and intra-union disputes. Therefore, the Med-Arbiter originally, and the Director on appeal, correctly assumed jurisdiction over the controversy.

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The determinative issue in this case is who is entitled to the collection and custody of the union dues? Cebu Seamen's Association headed by Gabayoyo or Seamen's Association of the Philippines headed by Nacua.

As stated in the findings of fact in the questioned resolution of Director Pura Ferrer-Calleja, on October 23, 1950, a group of deck officers organized the Cebu Seamen's Association, Inc., (CSAI), a non-stock corporation and registered it with the Securities and Exchange Commission (SEC). The same group registered the organization with the Bureau of Labor Relations (BLR) as Seamen's Association of the Philippines (SAPI). It is the registration of the organization with the BLR and not with the SEC which made it a legitimate labor organization with rights and privileges granted under the Labor Code.

We gathered from the records that CSAI, the corporation was already inoperational before the controversy in this case arose. In fact, on August 24, 1984, the SEC ordered the CSAI to show cause why its certificate of registration should not be revoked for continuous inoperation (p. 343, *Rollo*). There is nothing in the records which would show that CSAI answered said show-cause order.

Also, before the controversy, private respondent Dominica Nacua was elected president of the labor union, SAPI. It had an existing CBA with Aboitiz Shipping Corporation. Before the end of the term of private respondent Nacua, some members of the union which included Domingo Machacon and petitioner Manuel Gabayoyo showed signs of discontentment with the leadership of Nacua. This break-away group revived the moribund corporation and issued an undated resolution expelling Nacua from the association (pp. 58-59, *Rollo*). Sometime in February, 1987, it held its own election of officers supervised by the Securities and Exchange Commission. It also filed a case of estafa against Nacua sometime in May, 1986 (p. 52, *Rollo*).

The expulsion of Nacua from the corporation, of which she denied being a member, has however, not affected her

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membership with the labor union. In fact, in the election of officers for 1987-1989, she was re-elected as the president of the labor union. In this connection, We cannot agree with the contention of Gabayoyo that Nacua was already expelled from the union. Whatever acts their group had done in the corporation do not bind the labor union. Moreover, Gabayoyo cannot claim leadership of the labor group by virtue of his having been elected as a president of the dormant corporation CSAI.

Under the principles of administrative law in force in this jurisdiction, decisions of administrative officers shall not be disturbed by courts, except when the former acted without or in excess of their jurisdiction or with grave abuse of discretion.

Public respondent Bureau of Labor Relations correctly ruled on the basis of the evidence presented by the parties that SAPI, the legitimate labor union, registered with its office, is not the same association as CSAI, the corporation, insofar as their rights under the Labor Code are concerned. Hence, the former and not the latter association is entitled to the release and custody of union fees with Aboitiz Shipping and other shipping companies with whom it had an existing CBA. As correctly held by public respondent:

"It is undisputed from the records that the election of the so-called set of officers headed by Manuel Gabayoyo was conducted under the supervision of the SEC, presumably in accordance with its constitution and by-laws as well as the articles of incorporation of respondent CSAI, and the Corporation Code. That had been so precisely on the honest belief of the participants therein that they were acting in their capacity as members of the said corporation. That being the case, the aforementioned set of officers is of the respondent corporation and not of the complainant union. It follows, then, that any proceedings and actions taken by said set of officers can not, in any manner, affect the union and its members.

"On the other hand, we rule and so hold that the other set of officers headed by Dominica C. Nacua is the lawful set of officers of SAPI and therefore, is entitled to the release and custody of the

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union dues as well as the agency fees, if any, there be A record check with the Labor Organizations (LOD), this Bureau, shows that SAPI has submitted to it for file the list of this new set of officers, in compliance with the second paragraph of Article 242 (c) of the Labor Code. This list sufficiently sustains the view that said officers were lawfully elected, in the absence of clear and convincing proof to the contrary." (pp. 9-10, *Rollo*)

**ACCORDINGLY,** the petition is DISMISSED. The questioned resolution of the Bureau of Labor Relations is AFFIRMED.

**SO ORDERED.**

*Cruz (Chairman), Griño-Aquino,* and *Bellosillo, JJ.*, concur.

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**SECOND DIVISION**

[G.R. No. 86436. August 4, 1992]

**PEOPLE OF THE PHILIPPINES,** *plaintiff-appellee, vs.* **JOVENCIO DE PAZ,** *accused-appellant.*

**SYLLABUS**

**1. REMEDIAL LAW; EVIDENCE; CREDIBILITY OF WITNESSES; NOT AFFECTED BY THEIR RELATIONSHIP WITH THE VICTIM IN THE ABSENCE OF ILL-MOTIVE TO FALSELY IMPLICATE THE ACCUSED. —** The fact that Anacorita and Myrna Florendo were the wife and daughter of the victim, respectively, does not necessarily indicate that they are biased witnesses as to impair the credibility of their testimonies which are otherwise positive and clear. Relationship between the victim and the witness does not undermine the credibility of the latter's