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SECOND DIVISION

[G.R. No. L-46509. November 16, 1978]

CHRYSLER PHILIPPINES LABOR UNION (CPLU), *petitioner, vs.* **HON. FRANCISCO ESTRELLA, Acting Director of the Bureau of Labor Relations, ASSOCIATED LABOR UNION (ALU), and CHRYSLER PHILIPPINES CORPORATION (CPC),** *respondents.*

SYLLABUS

1. **LABOR AND SOCIAL LEGISLATION; INDUSTRIAL PEACE ACT; LABOR UNIONS; LEGAL PERSONALITY AS AN ORGANIZATION MAINTAINED NOTWITHSTANDING DISAFFILIATION FROM A NATIONAL UNION.** — There is nothing in the Labor Code or in the implementing rules which provides that a duly registered local union which affiliates with a national union or federation loses its legal personality, much less is there any provision which requires that upon the disaffiliation of said local union, it should register anew to be entitled to all the rights and privileges of a duly registered labor union. On the contrary, the Labor Code expressly allows disaffiliation for the purpose of operating as an independent labor organization (Art. 241).

2. **ID.; ID.; ID.; A LOCAL UNION WHICH DISAFFILIATES FROM MOTHER UNION DOES NOT LOSE ITS STATUS AS LEGITIMATE LABOR ORGANIZATION.** — The fact that when a local union duly registered as a labor organization with an independent certificate or registration—affiliates with a mother union, it changes its name by suffixing the name of the mother union, but retains its registration number, the change of name is only a matter of form which does not affect the legal personalities of both affiliating unions. It follows, that if upon disaffiliation, the local union was required to secure a registration certificate in its original name (without the suffix), the same is only for records purposes which does not result in the loss of its status as an independent legitimate labor organization.

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3. ID.; ID.; ID.; REGISTRATION THEREOF, HOW CANCELLED. — The only way by which a duly registered labor union can be disenfranchised is upon an order of cancellation issued by the Bureau of Labor Relations and only after due hearing in a proceeding instituted for said purpose. The certificate of registration of any legitimate labor organization, whether national or local, shall be cancelled by the Bureau if it has reason to believe, after due hearing, that the said labor organization no longer meets one or more of the requirements prescribed.

4. ID.; ID.; ID.; CERTIFICATION ELECTION; PETITION NOT RENDERED MOOT WHERE RATIFICATION OF NEW COLLECTIVE BARGAINING AGREEMENT WAS NOT FOR THE PURPOSE OF CHOOSING AN EXCLUSIVE BARGAINING REPRESENTATIVE. — Where during the pendency of a petition for certification election involving hourly-paid employees, a new collective bargaining agreement was ratified not for the purpose of choosing the exclusive bargaining representative of said employees, but merely to adopt the collective bargaining agreement of the salaried employees, it was held that the ratification slips providing that "the ratification shall constitute a bar to any petition for certification election that has been or may be filed by any party or union," cannot and could not be given force and effect, because it will defeat petitioner union's claim of majority representation.

5. ID.; ID.; ID.; ID.; EXECUTION OF NEW COLLECTIVE BARGAINING AGREEMENT DOES NOT FORECLOSE ISSUE OF REPRESENTATION. — The execution of a new Collective Bargaining Agreement does not necessarily foreclose the issue of representation. It is only when the Collective Bargaining Agreement is certified that no petition for certification election shall be entertained, except within the so-called freedom period of sixty (60) days prior to its expiration.

6. ID.; ID.; ID.; ID.; NO OBSTACLE TO THE HOLDING THEREOF IN CASE AT BAR. — Where the new Collective Bargaining Agreement cannot be certified because of the restraining order issued to the public respondent Acting Director enjoining him from certifying any Collective Bargaining Agreement which may be concluded by and between the respondent union and the employer, there is no legal obstacle against the holding of a certification election.

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7. **ID.; ID.; ID.; ID.; THE MOST EXPEDITIOUS WAY OF DETERMINING THE EMPLOYEE'S CHOICE.** — Where both contending unions claim majority representation there is no better way than the holding of a certification election to ascertain which union really commands the allegiance of the hourly-paid employees at the plant for the important factor is the true choice of the employees, and the most expeditious and effective manner of determining this is by means of the certification election, as it is for this very reason that such procedure has been incorporated in the law.

8. **REMEDIAL LAW; SUPREME COURT; JURISDICTION; INCLUDES JUDICIAL REVIEW OF DECISIONS OF THE DIRECTOR OF THE BUREAU OF LABOR RELATIONS.** — Judicial review by the Supreme Court is proper in case of lack of jurisdiction, grave abuse of discretion, error of law, fraud or collusion and where the same characterize the decisions of the Director of the Bureau of Labor Relations, the Supreme Court can entertain certiorari proceedings in certification cases.

APPEARANCES OF COUNSEL

Jose C. Espinas for petitioner.
Guerrillo V. Napuli for respondent Union (ALU).
Quisumbing, Caparras, Ilagan & Mosqueda for respondent Corporation.

D E C I S I O N

SANTOS, *J.*:

Special civil action for *certiorari* filed on July 30, 1977 to set aside the resolution of Acting Director Francisco Estrella of the Bureau of Labor Relations which affirmed the order of the Med-Arbiter Conrado G. Sagun dismissing petitioner's petition for certification election on the ground that petitioner has no legal personality independent from private respondent Associated Labor Union (ALU), its mother union.

The antecedent facts which gave rise to this petition are as follow. Petitioner Chrysler Philippines Labor Union (CPLU) is

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a labor organization duly registered with the Bureau of Labor Relations under Registration Certificate No. 4664-IP, dated August 20, 1965.[1] Private respondent Associated Labor Union (ALU) is a national union or federation with its own registration certificate.[2] CPLU affiliated with ALU sometime in March, 1974.[3] As a result of this affiliation, a new registration certificate dated March 13, 1974, bearing the identical number as its original certificate, *i.e.* 4664-IP was issued in the name of Chrysler Philippines Labor Union-ALU (CPLU-ALU).[4]

During this affiliation, CPLU-ALU, as bargaining agent of the hourly-paid rank and file employees, entered into a Collective Bargaining Agreement (CBA), with private respondent Chrysler Philippines Corporation (CPC) on March 26, 1974.[5] Per Article XIX of the concluded CBA, it ". . . shall become effective November 30, 1973, and shall remain in force and effect without change thru November 30, 1976."

It appears that about five months prior to the expiration of the CBA, an "Urgent Petition for Certification Election" dated June 21, 1976[6] was filed with the Labor Relations Division of the Department of Labor by Rogelio Enriquez, et. al., allegedly with the support of three hundred (300) other employees of the CPC. This petition was dismissed by Med-Arbiter Roman A. Tabaquin by an order dated September 28, 1976,[7] on the following grounds, to wit, "(1) it is barred by the existence of a CBA, (2) it had been filed four (4) months before the expiry

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[1] *Rollo*, p. 16, Petition, Annex "A".

[2] *Id.*, p. 7, Petition, I, par. 3; *Id.*, p. 185, Comment, CPLU-ALU, par. 3.

[3] *Id.*, p. 7, Petition, I, par. 3; *Id.*, p. 186, Comment, CPLU-ALU, par. 5; Id., p. 180, Comment, Solicitor General.

[4] *Id.*, p. 17, Petition, Annex "B"; *Id.*, p. 198, Comment, CPLU-ALU, Annex "A".

[5] *Id.*, p. 109, Comment, CPC, Annex "1-CPC".

[6] *Id.*, p. 7, Petition, II, par. 1; *Id.*, p. 118, Comment, CPC, Annex "2-CPC".

[7] *Id.*, p. 121, Comment, CPC, Annex "4-CPC".

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date of said CBA and that (3) the petition had been filed in the name of individual petitioners and not in the name of their Union." From this order of dismissal, petitioners Enriquez, et. al. appealed to the Bureau of Labor Relations. Acting Director Francisco Estrella, however, affirmed Med-Arbiter Tabaquin's order of dismissal thus:

"The appealed order must be affirmed. Article 256 of the Labor Code provides: 'No certification election issue shall be entertained by the Bureau (in) any collective bargaining unit if a certified collective (bargaining) agreement 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.' In this case, CPLU-ALU has two certified agreements expiring on November 30, 1976 and . . . The sixty-day period therefore begins only on October 1, 1976. Since the petition was filed on June 25, 1976 or three months before the time provided by law, it must be dismissed. After all, there is CPLU-ALU to represent the workers in collective bargaining. It should be allowed to negotiate with management for a new contract. Of course, petitioners and intervenor unions* may refile their petitions if they wish, provided there is no legal obstacle thereto."[8]

On January 17, 1977, petitioner filed a "Petition for Direct Certification with Preliminary Injunction"[9] with Regional Office No. 4, Bureau of Labor Relations, Department of Labor. It alleged that "there is another union claiming to represent the workers as the bargaining unit proposed and this is the Associated Labor Union,** but it represents the minority." It prayed, therefore, that the Bureau, after proper proceedings, "directly certify the Chrysler Philippines Labor Union, (*i.e.* petitioner) as the exclusive bargaining agent of the workers on hourly basis

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* The intervenor unions are PLUM Federation of Industrial and Agrarian Workers (PLUM), CPLU-ALU and CPLU.

[8] *Id.*, p. 18, Petition, Annex "C".

[9] *Id.*, p. 20, Petition, Annex "D".

** The Associated Labor Union has been referred to in various pleadings as ALU and/or CPLU-ALU. Hence ALU and CPLU-ALU are one and the same union as far as this case is concerned.

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employed by the Chrysler Phil. Corporation." Attached to the aforesaid petition was a general membership resolution[10] signed by three hundred fifty (350) out of the alleged total of "five hundred and fifty (550) more or less' employees in the bargaining unit. In said resolution, the signatories alleged —

"1. That we have no knowledge and have not authorized the Associated Labor Union to amend and change the name of our local union with another registration certificate which was issued on the 23rd (should be 13th) day of March, 1974. We do hereby resolve and petition the Bureau of Labor Relations to restore the original name in the registration issued on August 20, 1965.

2. That we the undersigned members of the Chrysler (Phil.) Labor Union do hereby maintain the said labor union as an independent labor organization and we hereby *disaffiliate* from the Associated Labor Union (ALU) and maintain our membership with Chrysler (Phil.) Labor Union."

CPLU-ALU filed — (1) a "Motion to Intervene" dated January 17, 1977, in the aforesaid petition;[11] (2) a Motion to Dismiss the same:[12] and (3) a "Second Supplemental Arguments in Support of the Motion to Dismiss, dated January 19, 1977 . . ."[13] It contended —

"1. That the petitioner is a non-existing union since it has been superseded by the Chrysler (Phil.) Labor Union-ALU.

2. That the petition has been filed after the 60-day freedom period."

By an order dated March 10, 1977,[14] Med-Arbiter Conrado G. Sagun dismissed CPLU's (herein petitioner's) petition. Pertinent portion of said order read:

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[10] *Id.*, p. 23, Petition, Annexes "D-1" to "D-31".

[11] *Id.*, p. 54, Petition, Annex "E".

[12] The Motion to Dismiss dated Jan. 19, 1977 appears as Exh. "I" of ALU's Comment, *Rollo*, p. 248.

[13] *Id.*, p. 56, Petition, Annex "E-1".

[14] *Id.*, p. 88, Petition, Annex "H".

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After considering all the records and/or the pleadings of the instant case, it appears that the issue to be resolved and a prejudicial one at that, is the personality of the petitioner Union Chrysler (Phil.) Labor Union to file the instant petition.

The records further show that Rodolfo Martos, President of petitioner Union assisted by his counsel J. C. Espinas and W. Y. Guevara, wrote a letter to the Registrar, Labor Relations Division, Bureau of Labor Relations, Department of Labor, dated October 1, 1976 and marked as Annex "B" which is attached to the records requesting that the name ALU be deleted in the certificate of registration and the original name of the union Chrysler (Phil.) Labor Union be restored in the same registration number 4664-IP. However said letter request has not been acted upon up to the present.

Under the circumstances, it is the considered opinion of the undersigned that inasmuch as the issue is the legal personality of the petitioner to file the instant petition and since said issue is prejudicial in nature and is still pending resolution by the Bureau of Labor Relations, accordingly, this Office cannot give due course to the petition until such time that the issue has been resolved by the Bureau of Labor Relations.

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From the above order, petitioner CPLU filed an "Appeal to the Bureau Director" dated March 21, 1977[15] alleging that the Med-Arbiter gravely abused his discretion in dismissing the petition and that the order is not in accordance with law and established jurisprudence. This order of dismissal was affirmed by public respondent Acting Director of the Bureau of Labor Relations, on the ground that "CPLU has no legal personality independent from CPLU-ALU" and that "CPLU should first secure a registration certificate of its own before it can file a petition for certification election."[16]

Hence, this petition, alleging that respondent Acting Director of the Bureau of Labor Relations, in dismissing its petition for

[15] *Id.*, p. 90, Petition, Annex "I".

[16] *Id.*, p. 94, Petition, Annex "J".

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certification election filed by a clear majority of the employees in the bargaining unit of rank and file employees of the respondent Chrysler Philippines Corporation, "acted without jurisdiction, or in excess of jurisdiction and with grave abuse of discretion . . ."[17]

Per resolution dated August 5, 1977,[18] respondents were required to comment on the petition. Pursuant to the same resolution, a temporary restraining order dated August 8, 1977[19] was issued enjoining respondent Acting Director of the Bureau of Labor Relations from certifying any collective bargaining agreement to be concluded between CPLU-ALU and CPC. This was issued upon petitioner's prayer on the following grounds, namely:

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11. That the respondent corporation upon demand of the respondent ALU is about to negotiate a new collective bargaining agreement . . . among the unit of hourly paid rank-and-file employees and a collective bargaining agreement will be concluded, despite the fact that the *majority* of the employees in the unit has shown their preference for the petitioner union . . .

12. That the respondent Honorable Francisco Estrella will certify such a collective bargaining agreement between the private respondents and the petitioner union may no longer effectively assert its right, even if it should will any certification election that may be finally ordered.[20]

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The three, respondents — Chrysler Philippines Corporation (CPC), Acting Director Francisco Estrella and CPLU-ALU, filed their comments on September 28, 1977, respectively. CPC declared its intention to remain neutral in the representation issue between CPLU and CPLU-ALU, thus:

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[17] *Id.*, p. 10, Petition, II, par. 9.

[18] *Id.*, p. 98.

[19] *Id.*, p. 99.

[20] *Id.*, p. 13.

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22. Herein respondent CPC shall always maintain the same posture of strict neutrality and impartiality in issue of representation now pending before the Honorable Tribunal x x x

23. For the good of the contending parties, as well as for the best interest of herein respondent, it desires that the representation issue be resolved conclusively so that it will know with whom to negotiate, conclude and sign a contract.[21]

Solicitor General Estelito P. Mendoza,[22] who is supposed to represent public respondent Acting Director, took the side of herein petitioner; manifested that "(I)t is with regret that (he) cannot advocate the position of public respondent Francisco Estrella, then Acting Director of the Bureau of Labor Relations as contained in his Order of July 5, 1977. This Comment, is therefore submitted. . . not in representation of respondent Estrella. . ."[23] CPLU-ALU raised two questions in its Comment, namely:

1. Is the Chrysler Philippines Labor Union a registered union?

2. Are decisions of the Bureau of Labor Relations Director reviewable in accordance with the New Labor Code?

and answered the same thus:

1. It is humbly submitted that the Chrysler (Phil.) Labor Union is not a registered labor organization under PD 442, as amended (The New Labor Code). The records of the Bureau of Labor Relations do not show that there is such an existing union at Chrysler Philippines Corporation, Cainta Rizal known as Chrysler (Phil.) Labor Union. The records, however, show that the existing union covering the hourly rank-and-file employees of the company is the Chrysler (Phil.) Labor Union-ALU. . .

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[21] *Id.*, pp. 105-106. Comment. CPC.

[22] He was assisted by Asst. Sol. Gen. Reynato S. Puno and Sol. Jesus V. Diaz.

[23] *Id.*, p. 175. Comment. Solicitor General.

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2. In accordance with the New Labor Code otherwise known as PD 442, as amended, decision of the Director of the Bureau of Labor Relations is final and executory. Said Code does not provide for an appeal on decision of the Director either on questions of facts or on questions of law. . . [24]

On January 18, 1978 We resolved to give due course to this petition, considered respondents' comments as answers to the same and required the parties to file their respective memoranda.[25]

In the meantime, however, or on January 26, 1978, pending receipt of the parties' memoranda, respondent CPLU-ALU filed a "Motion to Dismiss Petition for *Certiorari* and to Lift Temporary Restraining Order dated August 6, 1977."[26] It alleged that during the pendency of this petition, CPC and the other union in the company, the Chrysler Philippines Salaried Employees Union-ALU (CPSEU-ALU), entered into a new collective bargaining agreement. That during the negotiations, officers of CPLU-ALU (representing the hourly-paid employees) stood as observers, and finding that the new Collective Bargaining Agreement (CBA) between CPC and CPSEU-ALU provides for higher benefits than the old one between CPC and CPLU-ALU, manifested their desire to accept the benefits granted by the Company to the salaried employees. That CPC in turn intimated its willingness to extend the benefits under the new CBA to the hourly-paid employees. That this proposal was submitted to the general membership of the hourly-paid employees for approval, and was allegedly ratified by more than 80% of the members. The ratification slips[27] provide:

". . . the ratification shall constitute a bar to any petition for certification election that has been or may be filed by any party or union. I hereby reaffirm my membership in good standing of, and

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[24] *Id.*, pp. 192-193. Comment. CPLU-ALU.

[25] *Id.*, p. 309.

[26] *Id.*, p. 311.

[27] *Id.*, pp. 336-587. Motion to Dismiss. Annexes "B" to "B-500".

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loyalty to, the Chrysler Philippines Labor Union-Associated Labor Union (CPLU-ALU)."

CPLU-ALU thus alleges that — (1) "(T)he ratification by the employees belonging to the hourly group of the CBA entered into by and between the Chrysler (Phil.) Labor Union-ALU and the Chrysler Philippines Corporation on November 28, 1977, rendered moot and academic the issues now raised by the petitioner before the Honorable Supreme Court"; (2) "(T)he five hundred one (501) signatories constituted 80% of the rank-and-file employees of Chrysler (Phil.) Corporation represented by the Chrysler (Phil.) Labor Union-ALU"; (3) "(T)hese ratification slips portrayed once and for all the desire of the workers to put an end to the intramurals resorted to between the involved unions in the above-entitled petition"; and (4) "(T)he interests of the workers should be above and paramount over the interests of the contending unions."

This motion was denied in Our resolution of February 6, 1978.[28]

The Solicitor General manifested on February 3, 1978 that ". . . for purposes of expediency and to avoid being repetitious, they are adopting their Comment to the Petition filed on September 8, 1977 as their memorandum in the instant case."[29] Petitioner CPLU filed its "Memorandum" on February 13, 1978,[30] stating that "it adopts the Comment of the Solicitor General dated August 30, 1977 as a part of its memorandum in this case. . ." Attached to the Memorandum and also adopted as part of it, was an "Opposition to Motion to Lift Temporary Restraining Order and Motion for an Early Resolution,"[31] with the following pertinent allegations:

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[28] *Id.*, p. 605.

[29] *Id.*, p. 606.

[30] *Id.*, p. 618.

[31] *Id.*, p. 620.

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1. That as stated in paragraph 13 of its petition, petitioner is not against the conclusion of a collective bargaining contract pending consideration of the merits of this case, but prayed for and was granted an order to temporarily restrain the respondent public officials from certifying any contract so concluded in order to preserve the rights of the members to freely determine their bargaining agent. The agent freely chosen may administer said contract.

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3. That if the 'ratification' signatures have been freely obtained, respondent ALU should not hesitate to submit to a secret balloting to determine the employees's free choice of their bargaining agent.

4. That petitioner humbly submit that the signatories to the petition for certification still consist more than 30% to warrant a mandatory election as required by law, and that there are other vital issues to be decided, principally the very existence of petitioner union.

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Respondent CPC filed its "Memorandum" on March 11, 1978.[32] It reiterated its "position of strict neutrality in a non-adversary proceedings" and added that the terms and conditions of the new CBA" should be respected for the three (3) year life of the contract . . . from November 1, 1977 to October 31, 1980. Said CBA is not controverted by any of the parties to this case. Such a CBA should be upheld and in the remote possibility that this Honorable Court finds it justifiable to order a certification election, and if in said election petitioner Chrysler Philippines Labor Union should win, then petitioner union (CPLU) should be substituted as the bargaining agent in the aforecited CBA."

Respondent CPLU-ALU filed a "Manifestation" on March 15, 1978[33] (the last pleading in this case) declaring that ". . . for the purpose of expediency and to avoid repetition, private respondent . . . hereby adopts its Comment dated September 26, 1977, Motion to Dismiss dated January 10, 1978, and the Manifestation of private respondent Chrysler Philippines

[32] *Id.*, p. 630.

[33] *Id.*, p. 637.

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Corporation dated February 7, 1978 as its Memorandum in this case."

From the foregoing factual and procedural antecedents which gave rise to and now form part of the environmental circumstances attendant to this petition, the following issues emerge for Our resolution —

1. Whether or not petitioner CPLU lost its legal personality as a labor organization to file a petition for certification election upon its disaffiliation from its mother union, ALU.

2. Whether or not the question of representation of the hourly-paid employees at CPC became moot and academic as a result of the alleged ratification by majority of the hourly-paid employees of the new CBA concluded between CPLU-ALU and CPC.

3. Whether or not decisions of the Director of the Bureau of Labor Relations are subject to judicial review.

And now to consider and resolve the foregoing.

1. We agree with the Solicitor General that petitioner has legal personality to file a petition for certification election, notwithstanding its disaffiliation from ALU. The reasons given by him in support of his stand are highly meritorious and bear repetition:

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First, there is nothing in the Labor Code nor in the implementing rules which provides that a duly registered local union which affiliates with a national union or federation loses its legal personality, much less is there any provision which requires that upon the disaffiliation of said local union, it should register anew to be entitled to all the rights and privileges of a duly registered labor union. On the contrary, the Labor Code expressly allows disaffiliation for the purpose of operating as an independent labor organization (Art. 241). In the case at bar, the record discloses that petitioner CPLU has been duly registered as a labor organization as early as 1965 with an independent certificate of registration No. 4664-IP. . . . . It retained the same registration number when it affiliated with ALU sometime in 1974 and had its name changed accordingly to CPLU-ALU. It is, thus, evident that the change of name from CPLU to CPLU-ALU was only

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the Bureau of Labor Relations Director granted Foamtex Labor Union's petition for certification election and sustained its right to file it. This Court affirmed his order, the relevant portion of which held —

"Having been registered as a labor union before it affiliated with the appellant (TUPAS), the appellee (Foamtex Labor Union) is by its own right a legitimate labor organization while simultaneously a local of its mother union, herein appellant. It did not lose its status as a legitimate labor organization upon its disaffiliation so much so that when it disaffiliated from TUPAS, it merely became independent, nothing less."

In the light of the foregoing, the ruling of respondent Acting Director Estrella "that CPLU has no legal personality independent from CPLU-ALU" is untenable. Thus, We reverse.

2. There is no merit in CPLU-ALU's allegation that the petition for certification election has become moot and academic because of the ratification by a majority of the hourly-paid employees of CPC of the new CBA effective during the period November 1, 1977 to October 31, 1980. The ratification of the CBA by the hourly-paid employees was secured for the purpose of adopting the proposal of the officers of CPLU-ALU and of CPC that the CBA between CPSEU-ALU (representing the salaried employees) and CPC be adopted also as the Collective Bargaining Agreement to govern the relations between the hourly-paid employees (then temporarily represented by CPLU-ALU) and CPC, the former CBA having in the meantime expired on November 30, 1976. It was not sought for the purpose of choosing the exclusive bargaining representative of the hourly-paid employees. Although the ratification slips provide that "the ratification shall constitute a bar to any petition for certification election that has been or may be filed by any party or union," the same cannot and should not be given force and effect, because it will defeat petitioner CPLU's claim of majority representation. This was, precisely, the reason for the denial of the Motion to Dismiss this petition filed on January 26, 1978.

It should be added that the execution of a new Collective Bargaining Agreement does not necessarily foreclose the issue

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of representation. It is only when the Collective Bargaining Agreement is certified that no petition for certification election shall be entertained, except within the so-called freedom period of sixty (60) days prior to its expiration.[35] In this case, the new Collective Bargaining Agreement cannot be certified precisely because of the restraining order issued to the public respondent Acting Director enjoining him from certifying any Collective Bargaining Agreement which may be concluded by and between private respondents CPC and CPLU-ALU. The Collective Bargaining Agreement not being certified, there is no legal obstacle against the holding of a certification election.

In fact, the Solicitor General — though the main issue in this case concerns only the legal personality of CPLU — recommends the holding of a certification election in his Comment, thus —

Under all the foregoing circumstances, it becomes mandatory for the Bureau to can for a certification election for the purpose of determining the true representative of the employees in the unit and certify the winner as the exclusive collective bargaining representative of the employees concerned.

Because both contending unions claim majority representation, there is no better way than the holding of a certification election to ascertain which union really commands the allegiance of the hourly-paid employees at CPC, Thus We held that . . . "(T)he important factor is the true choice of the employees, and the most expeditious and effective manner of determining this is by means of the certification election, as it is for this very reason that such procedure has been incorporated in the law."[36]

3. Finally, considering CPLU-ALU's apparent doubt on the propriety of a judicial review of the decisions of the Director of the Bureau of Labor Relations, it is necessary to reaffirm this Court's jurisdiction on this matter. On this point, it will suffice to quote Mr. Justice Fernando's statement in *Philippine*

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[35] Article 257. Labor Code: Rule IX. Sec. 3. Implementing Rules and Regulations.

[36] *Foamtex Labor Union-TUPAS v. Noriel, supra.*

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Labor Alliance Council v. Bureau of Labor Relations[37] thus — ". . . in view of the *certiorari* jurisdiction of this Tribunal, a grave abuse of discretion may be alleged as a grievance . . . calling for remedial action." And as Mr. Justice Aquino puts it in *San Miguel Corporation v. Secretary of Labor*[38] "Judicial review is proper in case of lack of jurisdiction, grave abuse of discretion, error of law, fraud or collusion." In fact this Court had already on several occasions entertained *certiorari* proceedings in certification cases.[39]

WHEREFORE, the Order of Acting Director Francisco Estrella is hereby REVERSED and SET ASIDE and this case is remanded to the Bureau of Labor Relations for further proceedings consistent with the above pronouncements.

The Bureau of Labor Relations is hereby directed to call a certification election so that the question of representation of the hourly-paid employees at Chrysler Philippines Corporation may once and for all be resolved. The temporary restraining order dated August 8, 1977 is hereby lifted, effective after the certification election proceeding is over, so that the new CBA may be certified accordingly. This decision is immediately executory. No costs.

SO ORDERED.

Barredo (Acting Chairman), Antonio, Aquino, and *Concepcion Jr., JJ.*, concur.

Fernando, J., is on leave.

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[37] G.R. No. L-41288, Jan. 31, 1977, 75 SCRA 162.

[38] G. R. No. L-39195, May 16, 1975, 64 SCRA 56.

[39] See *Phil. Association of Free Labor Union v. Bureau of Labor Relations*, L-42115, Jan. 27, 1976, 69 SCRA 132; *Federacion Obrera v. Noriel*, L-41937, July 6, 1976, 72 SCRA 24; *U.E. Automotive Employees and Workers Union v. Noriel*, L-44350, Nov. 25, 1976; 74 SCRA 72; *Today's Knitting Free Workers Union v. Noriel*, L-45057, Feb. 28, 1977, 75 SCRA 450; *Benguet Exploration Miner's Union v. Noriel*, L-44110, March 29, 1977, 76 SCRA 107; *Kapisanan ng mga Manggagawa v. Noriel*, L-45475, June 20, 1977, 77 SCRA 414; *Rowell Labor Union v. Ople*, L-42270, July 29, 1977, 78 SCRA 166.