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SECOND DIVISION

[G.R. No. L-42155. May 31, 1976]

PHILIPPINE LABOR ALLIANCE COUNCIL, *petitioner, vs.* **CALIFORNIA EMPLOYEES LABOR UNION, CONFEDERATION OF GENERAL WORKERS (CGW) and CALIFORNIA MANUFACTURING COMPANY, INC., CARMELO NORIEL, DIRECTOR, BUREAU OF LABOR RELATIONS,** *respondents.*

SYLLABUS

LABOR AND SOCIAL LEGISLATION; LABOR RELATIONS; COVERS CERTIFICATION ELECTION; LABOR FORCE IN COMPANY'S SEPARATE PLANT TO PARTICIPATE THEREIN WHERE PARTIES MANIFEST NO OBJECTION THERETO. — Where the respondent labor unions expressed their approval to the certification election including the Pasay workers of the Company, with the respondent Director agreeing likewise notwithstanding his previous order excluding this labor force, being in itself a separate bargaining unit, and the respondent Company justly sought deferment thereof until the expiration of the existing bargaining contract with such unit, a certification election shall be held to include both Parañaque and Pasay rank-and-file workers of the Company in accordance with the provisions of the Labor Code.

APPEARANCES OF COUNSEL

Ernesto C. Estrella & Roberto Halili for petitioner.
Pacifico C. Rosal for respondents Unions.
V.E. del Rosario & Associates for respondent Company.
Solicitor General Estelito P. Mendoza, Assistant Solicitor General Reynato S. Puno and *Trial Attorney Joselito B. Floro* for respondent Director, Bureau of Labor Relations.

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DECISION

FERNANDO, *J.*:

No question is raised in this *certiorari* proceeding filed by petitioner Philippine Labor Alliance Council about the holding of a certification election. So it was decreed in the order of October 29, 1975 of respondent Carmelo Noriel, Director of the Bureau of Labor Relations. It was, however, limited only to the Parañaque plant of respondent California Manufacturing Company, Inc. It did not include the labor force working in its Pasay plant. In that sense, there was a modification of the earlier order of Med-Arbiter Romeo A. Young. As set forth in the petition: "In his order of July 25, 1975, Med-Arbiter Romeo Young upheld the contention of PLAC that the Pasay rank-and-file workers of California Manufacturing Company should be allowed to vote in the certification election of Parañaque because they are shortly to be relocated to the Parañaque Plant and will, therefore, belong to the employee force working in that single location."[1] On appeal to respondent Director, however, by respondents California Employees Labor Union and Confederation of General Workers, respondent Noriel limited such certification election, as set forth above, only to the respondent company's plant at Parañaque, Rizal, his reason being that the Pasay plant was itself a separate bargaining unit.[2]

This Court issued a temporary restraining order and required comments on the part of respondents. The two respondent labor unions submitted a pleading entitled Comment and Manifestation wherein it stated: "That the overwhelming majority of the general membership of the respondent California Employees Labor Union has decided to agree to the inclusion of the workers of the California Manufacturing Co., Inc. working presently at Pasay City and be allowed to vote in the forthcoming certification election in the interest of expeditious labor justice x x x"[3] The

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[1] Petition, 10.

[2] *Ibid*, Annex L.

[3] Comment and Manifestation, 1.

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prayer then is for this Court to take such comment and manifestation "in the speedy disposition" of this case. Respondent Director, in his comment submitted, after noting that the aforesaid labor unions did manifest that the overwhelming majority of their general membership did agree to the inclusion of the workers of the California Manufacturing Company, Inc. working at Pasay City in the certification election to be held, made clear his stand. Thus: "Considering the above Comment and Manifestation of California Employees Labor Union and Confederation of General Workers as well as the workers' interest in the immediate resolution of the dispute at bar, respondent public official also interpose no objection to the holding of a certification election to be conducted simultaneously among the rank and file workers of the Parañaque and Pasay Plants of the California Manufacturing Company, Inc."[4] Respondent Company, as is but proper, limited itself to the plea that such certification election to be held, on the assumption that it would include the Pasay workers, be deferred until sixty days before the expiration of the then existing collective bargaining contract with such labor force so that there would "be only one collective bargaining negotiation covering one bargaining unit." The expiration date is June 19, 1976.

This Court considered the aforesaid comments as answers. Clearly then, considering their tenor, the petition should prosper. Respondent Noriel is himself agreeable to what is therein sought. Respondent labor unions did expressly manifest their approval to the certification election including the Pasay workers. So did the respondent Company, which is justified in seeking deferment until sixty days before the expiration of the then existing collective bargaining contract with such unit. That period has now been reached.

WHEREFORE, as prayed for, the questioned order to respondent Director Noriel is nullified and set aside, but only insofar as it would modify the order of Med-Arbiter Romeo Young of July 25, 1975, with the result that the certification election to be held should include both the Parañaque and Pasay rank-and-file workers of the California Manufacturing Company,

[4] Comment of Respondent Noriel, 3.

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Inc. The implementation of this decision is left to respondent Carmelo Noriel as Director of the Bureau of Labor Relations, who is ordered to proceed forthwith in accordance with the provisions of the Labor Code. No costs.

Barredo, Antonio, Aquino and *Martin, JJ.*, concur.

Concepcion, Jr., J., is on leave.

FIRST DIVISION

[G.R. No. L-42574. May 31, 1976]

CIRILO TALIP, FOR AND IN BEHALF OF THE MINOR CHILDREN, NAMELY: VICTORIA, HILDA & EFREN, SURNAMED TALIP, *petitioners, vs.* **WORKMEN'S COMPENSATION COMMISSION and PHILIPPINE PACKING CORPORATION,** *respondents*.

SYLLABUS

1. **WORKMEN'S COMPENSATION ACT; CLAIMS FOR DEATH BENEFITS; LEGAL PRESUMPTION OF COMPENSABILITY; BURDEN OF PROOF RESTS ON EMPLOYER.** — Assuming that the deceased employee's illness which caused his death may be ruled out as an occupational disease or that the causal link between the nature of his employment and his ailment has been insufficiently shown, nevertheless it is to be presumed as mandated by Section 44 of the Workmen's Compensation Act that the employee's illness which supervened during his employment, either arose out of, or at least was aggravated by, said employment; and with this legal presumption, the burden of proof shifts to the employer and the employee is relieved of the burden to show causation.