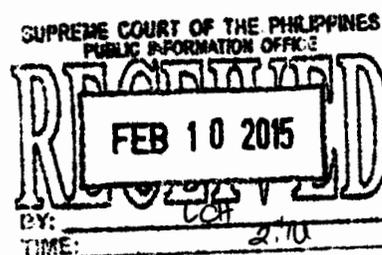




Republic of the Philippines
Supreme Court
Manila
FIRST DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **December 1, 2014** which reads as follows:*

“**G.R. No. 214700** (Grade School Faculty Union of St. Scholastica's Academy, Marikina, *petitioner*, v. St. Scholastica's Academy, Marikina, Sis. Ma. Roseve Balagat, *respondents*). - The petitioner's motion to admit the attached petition for review on certiorari stating therein the reasons why the petition was not filed on time is **GRANTED**, and the Court of Appeals is hereby **DELETED** as a party respondent in this case pursuant to Sec. 4, Rule 45, 1997 Rules of Civil Procedure, as amended.

This resolves the Petition for Review on *Certiorari* under Rule 45 of the Rules of Court assailing the Resolutions dated 13 March 2014¹ and 27 August 2014,² respectively of the Court of Appeals (CA) in CA-G.R. SP Nos. 122113 and 122146.

This case stemmed from the complaint for unfair labor practice filed by Grade School Faculty Union of St. Scholastica's Academy, Marikina (Faculty Union) against St. Scholastica's Academy of Marikina (SSAM) and its incumbent Directress, Sis. Ma. Roseve Balagat before the Labor Arbiter of the National Labor Relations Commission (NLRC).

The Faculty Union complained that SSAM unjustly refused to implement a Collective Bargaining Agreement (CBA) entered into by the

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¹ *Rollo*, pp. 25-31; Penned by Associate Justice Normandie B. Pizarro with Associate Justices Stephen C. Cruz and Manuel M. Barrios, concurring

² *Id.* at 33-34.

parties in October 2007, particularly the provisions on wage adjustments. The Faculty Union likewise complained regarding SSAM's formation of a faculty club and the automatic enlistment of newly-hired teachers therein; difficulty of the union president to secure a house in one of SSAM's housing projects; refusal of SSAM to grant the Faculty Union's request for use of classrooms for union meetings; unilateral withdrawal of benefits such as 100% tuition fee discount for an employee's second child and half-day work benefit during quarterly examinations; and failure of SSAM to comply with its obligation to check-off union dues and agency fees from the bargaining unit.

SSAM, on the other hand, denied the allegations in the complaint and maintained that it was under no obligation to implement the 2001 CBA for it has already expired or the 2007 CBA considering that it was not ratified by the majority of the bargaining unit or Grade School Faculty.

In a decision dated 22 December 2009, the labor arbiter directed SSAM to reinstate the benefit of the 100% tuition fee discount for the second children of its employees as well as the half-day benefits previously enjoyed by the concerned employees during quarterly examinations. The Labor Arbiter, however, dismissed all other claims for lack of merit. In ruling that there was no unfair labor practice, the Labor arbiter ratiocinated that the Faculty Union not only failed to prove its allegations but SSAM have gone to the extent of debunking several, if not most of its claims of "anti-union" activity.³

Dissatisfied, the Faculty Union elevated the Labor Arbiter's decision before the NLRC.

On 30 May 2011, the NLRC promulgated a decision partly granting the Faculty Union's appeal. It modified the Labor Arbiter's decision by directing SSAM to continue implementing the check-off provisions of the 2001 CBA, subject to legal requirements, and pay the union space rental. The NLRC affirmed the rest of the Labor Arbiter's decision including the finding that there was no unfair labor practice.⁴

The NLRC held that SSAM's decision to stop checking-off union dues and agency fees has no legal basis and is violative of the provisions of

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³ Id. at 277-289.

⁴ Id. at 317-327.

the Labor Code and jurisprudence. It also held that the payment of rental for union space cannot be withdrawn without running roughshod against the provision of Article 253 of the Labor Code and the principle of non-diminution of benefits. The Faculty Union filed a motion for reconsideration but this was denied by the NLRC in a Resolution⁵ dated 31 August 2011.

Aggrieved, both the Faculty Union and SSAM assailed the NLRC decision before the CA. The two petitions for *certiorari* docketed as CA-G.R. SP No. 122113 and CA-G.R. SP No. 122146 were consolidated by the CA.

The Faculty Union sought to nullify the assailed disposition alleging that the NLRC gravely abused its discretion when it failed to find SSAM guilty of unfair labor practice. SSAM, for its part, still insisted that the 2007 CBA did not become effective because it was not ratified by the majority of the bargaining unit.

In a Resolution dated 13 March 2014, the CA denied the petitions for lack of merit. The CA held that the Faculty Union failed to sufficiently show that the NLRC gravely abused its discretion in ruling that SSAM is not guilty of unfair labor practice.⁶ Other than its self-serving declarations, the Faculty Union failed to present substantial evidence to prove its allegation of unfair labor practice. As regards the CBA, the CA ruled that the automatic renewal clause which is deemed incorporated in all CBAs is applicable.⁷ Citing the case of *New Pacific Timber and Supply Co., Inc., v. NLRC*,⁸ the CA held that it is the duty of both parties to the CBA 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 freedom period and/or until a new agreement is reached by the parties. Hence, although the 2001 CBA has expired, it continues to have legal effect as between the parties pending the ratification of a new CBA.

The Faculty Union filed a motion for reconsideration but this was likewise denied by the CA in a Resolution dated 27 August 2014.

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⁵ Id. at 334-336.

⁶ Id. at 28.

⁷ Id. at 30.

⁸ 385 Phil. 93, 106 (2000) citing *Lopez Sugar Corporation v. Federation of Free Workers, et al.*, 189 SCRA 179.

The Faculty Union is now before this Court raising the following issue:

Whether the Court of Appeals committed reversible error when it did not find any grave abuse of discretion on the part of the NLRC in not declaring:

- (1) The second CBA of the parties in full force and effect; and
- (2) SSAM's totality of conduct to constitute unfair labor practice.⁹

Our Ruling

After careful review of the records, the Court resolves to deny the instant petition and affirm the 13 March 2014 and 27 August 2014 Resolutions of the CA in CA-G.R. SP Nos. 122113 and 122146 for failure of the Faculty Union to sufficiently show that the CA committed reversible error in affirming the Resolution of the NLRC. The Court finds the CA decision and resolution to be in accordance with the law and jurisprudence. As the CA correctly ruled: "It evaluated the records and made a finding that the acts imputed by the Faculty Union against SSAM do not constitute gross violations of the CBA as to amount to unfair labor practice. x x x [t]he Faculty Union's allegations of bias in favor of the faculty club and the purported threat against its past president were devoid of any substantial evidence x x x. As for the assertion that non-union members were given preference on SSAM's housing project, the same lacks merit as it was revealed that four (4) members of the Faculty Union have already benefited from the same."¹⁰

WHEREFORE, the Court **ADOPTS** the findings and conclusions of law of the Court of Appeals and **AFFIRMS** its 13 March 2014 and 27 August 2014 Resolutions in CA-G.R. SP Nos. 122113 and 122146. The instant petition is hereby **DENIED** for lack of merit.

SO ORDERED." **BERSAMIN, J.**, on official leave; **REYES, J.**, acting member per S.O. No. 1892 dated November 28, 2014.

Very truly yours,

~~_____~~
EDGAR O. ARICHETA
Division Clerk of Court ^{m/7}

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⁹ *Rollo*, p. 12.
¹⁰ *Id.* at 29.

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