Meralco v. Quisumbing: Re-drawing the Metes and Bounds of Management Prerogative

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This is a Comment on *Meralco v. Quisumbing* which laid down the doctrine that the decision to contract out work, if such contracting will last for six months or more, being part and parcel of management prerogative, should not be subject to any prior consultation requirement with the union.

The Comment first provides a brief restatement of the constitutional provisions on labor relations and the general precepts of Labor Law as a tool for industrial peace. There is then an exposition on the concept, definition, scope, limitations, and jurisprudential application of management prerogative. It then examines pertinent laws, department orders, and jurisprudence on the contracting out of work, particularly those connected with the participation of employees in the decision to contract out, and the corresponding limits on the employer.

The *Meralco* case is then laid out, providing an analysis of the ruling therein and some discussion on the doctrinal underpinnings of the decision. The Comment then proceeds to test the soundness of the *Meralco* doctrine vis-à-vis other pertinent rulings of the Court. The Comment then concludes that the *Meralco* ruling should be revisited in order to ensure that management prerogative remains just as a prerogative and not metamorphose into management prejudice.