

## Restraining Free Trade Unionism: A Critique of Supreme Court Decisions that Unduly Restrict Labor's Exercise of the Right to Self-Organization

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The Author observes that, while the policy environment and labor laws of the Philippines seem conducive to free trade unionism, the reality on the ground is that the implementation seems to frustrate this goal. He examines several cases bearing on trade unionism and the constitutional right to self-organization in the country.

*Toyota Motor Philippines Corporation v. Toyota Motor Philippines Corporation Labor Union* (268 SCRA 573 (1997)) enforced a strict rule on composition of unions with regard to supervisory and rank-and-file employees. In *Progressive Development Corporation v. Secretary, Department of Labor and Employment* (205 SCRA 802 (1992)), again, a strict application of a rule on certification and attestation requirements for union registration and formation. Finally, *Progressive Development Corporation-Pizza Hut v. Laguesma* (271 SCRA 593 (1997)), the Supreme Court suspended the certification election pending unresolved challenges to the union's legitimacy.

Cases like these cause unwarranted delay in union formation and effectively delay or deny the exercise of labor and constitutional rights. No complicated remedy to this problem is required other than for the Supreme Court to resolve doubts in favor of labor and be guided by principles of free trade unionism enshrined in the law.