



Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Intramuros, Manila



Certificate Number: AJA15-0048

IN RE: LABOR DISPUTE AT
SILLIMAN UNIVERSITY

OS-AJ-2019-0708-0004
(RCMB-VII-NEOR-NS-05-0001-2019)
(RCMB-VII-NEOR-PM-05-0001-2019)

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NOTICE OF ORDER

TO:

MARIA TERESITA LACSAMANA-CANCIO
OIC-Executive Director IV
National Conciliation and Mediation Board
4F-6F Arcadia Bldg., 860 Quezon Ave., Quezon City

MR. EDMUNDO T. MIRASOL
Director II
Regional Conciliation and Mediation Branch No. 7
6F DOLE-RO 7 Building, cor. Gorordo & Gen. Maxilom Aves.
Cebu City 6000

DR. BETTY C. MCCANN
President
Silliman University
1 Hibbard Avenue, 6200 Dumaguete City

ASST. PROF. JONATHAN MARK N. TE
Acting President
Silliman University Faculty Association
Silliman University
1 Hibbard Avenue, 6200 Dumaguete City

ATTY. MYLES NICHOLAS G. BEJAR
General Counsel
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Regional Director
DOLE-Regional Office No. 7
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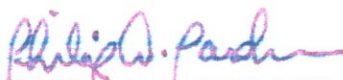
GREETINGS:

Enclosed is the **ORDER** of the **Honorable Secretary SILVESTRE H. BELLO III** dated **08 July 2019** in connection with the above-entitled case, the original copy of which is on file with this Office.

You are hereby required to inform this Office, in writing, **within five (5) days** from receipt hereof of the date when you received this notice and copy of the Order.

Manila, Philippines, 08 July 2019.

BY THE AUTHORITY OF THE SECRETARY:


ATTY. PHILIP A. PAREDES
Director IV, Legal Service

Office of the President
SILLIMAN UNIVERSITY
Dumaguete City

RECEIVED

DATE: 070819



Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Intramuros, Manila



Certificate Number: AJA15-0048

IN RE: **LABOR DISPUTE AT
SILIMAN UNIVERSITY**

OS-AJ-2019-0708-0004
RCMB-VII-NeOr-NS-05-001-2019
RCMB-VII-NeOr-PM-05-001-2019

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ORDER

This refers to the labor dispute between Siliman University (University) and the Siliman University Faculty Association (Union).

Silliman University is a private research university in Dumaguete City, Negros Oriental. It was established in 1901 and home to over 10,000 students from different parts of the countries and around 300 foreign students from around 53 other countries. It offers courses from Kinder 1 to Graduate studies. Its total employment is 756.

The University filed a Preventive Mediation case on 31 May 2019 before the Regional Conciliation and Mediation Branch– VII (RCMB-VII), docketed as RCMB-VII-NeOr-PM-05-001-2019, on the ground of bargaining deadlock in their renewal of the last two years of the existing CBA from 01 June 2016 to 31 May 2021. On even dated, the Union filed a Notice of Strike docketed as RCMB-VII-NeOr-NS-05-001-2019 based on the same ground.

Series of conciliation-mediation conferences were facilitated by the RCMB-VII to effect a mutually acceptable solution to the dispute. However, efforts proved unavailing as the parties stood pat on their respective positions.

On 01 July 2019, the Union submitted the result of its strike vote balloting among its members showing a majority support for a strike.

On 02 July 2019, the University filed a Petition for Assumption of Jurisdiction asking the Secretary to assume jurisdiction over the labor dispute. The petition is based on the following grounds, among others:

1. The University is granted autonomous status by the Commission on Higher Education and delivers education to more than 9,000 students, hence it is an industry vested with national interest;
2. A work stoppage will affect the University's students as well as its employees;
3. The University is among the highest ranked universities in the country and one of the biggest educational institutions not only in the province of Negros Oriental, but also in the Philippines. Thus, it is well-attended by students from many countries of varied cultures;
4. The University is involved in research and extension activities at the local, national, and international level. A work stoppage will hamper the University's ability to achieve its goal in research and extension; and
5. A strike will not only affect the university, its faculty, staff and students but also the students' parents, the university's partners and affiliates, alumni, communities in Dumaguete City and Negros Oriental and certain agencies and entities of the government.

Hence, this Order.

There is no doubt that the University belongs to an industry indispensable to the national interest as it operates an educational institution. Any work stoppage that may be brought about by an actual strike in the School would adversely affect its students as it would unduly interrupt their schooling and thus, delay the completion of their academic requirements. This is not to mention the prejudice it would cause to the investments in terms of effort, time and money of the parents of the students to afford their children's quality education. Any disruption in its operations will also prejudice the 756 employees, their families and dependents. These employees derive their livelihood from the University and any work stoppage will mean loss of the source of their livelihood.

It has been ruled by the Supreme Court that schools belong to an industry

Honorable Ruben D. Torres¹, the Supreme Court upheld the intervention by the Secretary of Labor and Employment in the labor dispute affecting a school. By citing the earlier case of **Philippine School of Business Administration vs Acting Secretary Carmelo C. Noriel²**, the highest court ruled that the impending work stoppage at the school would unduly prejudice the students and would entail great loss in terms of effort, time and money.

At this point in time when efforts of the government are largely focused on preserving the economic gains already achieved and ensuring that employment levels are maintained and even enhanced, it is the utmost concern of this Office to avoid work stoppages, particularly so when there are alternative mechanisms in place to resolve the parties differences.

These considerations have in the past guided this Office in the exercise of its extraordinary power to intervene in a labor dispute as mandated by Article 278³ (g) of the Labor Code, as amended.

WHEREFORE, premises considered, and pursuant to Article 278 (g) of the Labor Code of the Philippines, as amended, this Office hereby **ASSUMES JURISDICTION** over the Labor Dispute between Siliman University and the Siliman University Faculty Association.


Accordingly, any intended strike or lockout or any concerted action is automatically enjoined. If one has already taken place, all striking and locked out employees shall, immediately return to work and the employer shall immediately resume operations and readmit all workers under the same terms and conditions prevailing before the strike. The parties are likewise enjoined from committing any act that may further exacerbate the situation.

To expedite resolution of this dispute, the parties are directed to appear at the initial hearing of the case before the Office of the Secretary on

16 July, 2019 at 10:00 a.m., DOLE Building,
Intramuros, Manila.

SO ORDERED.

Manila, Philippines, JUL 09 2019.


SILVESTRE H. BELLO III
Secretary

Dept. of Labor & Employment
Office of the Secretary



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