

G.R. No. L-8927

[G.R. No. L-8927. September 18, 1957]

NUMERIANO ROXAS, BISMARCK DE LOS ANGELES, AND ISIDORO CHAVEZ, PLAINTIFFS-APPELLEES, VS. SIXTO RODRIGUEZ, NAPOLEON ZAPATA, ANTONIO FONTANILLA, FLORO REYES, TEODORO BANAGA, ARISTON ARAYATA, GERMAN FRANCO, LORENZO ANGELES, AND BENEDICTO JOSE, DEFENDANTS-APPELLANTS.

D E C I S I O N

FELIX, J.:

On September 30, 1953 , the Philippine Air Lines Employees Association, held an election of its officers wherein Numeriano Roxas, Bismarck de los Angeles and Isidoro Chavez on one hand and Sixto Rodriguez, Napoleon Zapata and Antonio Fontanilla on the other, were the aspirants for the posts of President, Vice-president and Treasurer, respectively. The latter group must have been proclaimed elected for on October 11, 1953, Roxas, Delos Angeles and Chavez filed a petition with the Court of First Instance of Rizal (Pasig Branch), praying that a writ of preliminary injunction be issued restraining therein respondents Rodriguez, Zapata and Fontanilla from assuming office as President, Vice-president and Treasurer of the Association; that the ballot boxes used in the election of said association be ordered sealed and transferred into the custody of the Court pending resolution on the petition; that after hearing judgment be rendered against defendants:

(a) Ordering them to give due course to the pro- test and petition by allowing a recount of the votes;

(b) Ordering them to pay jointly and solidarily to petitioners the aggregate sum of P10,000.00 as actual and moral damages;

And granting petitioners such other relief as may be just and equitable in the premises.

It was alleged that the elections conducted on September 30, 1953, was permeated with irregularities and frauds designed to insure the victory of the respondents and that the commission on elections of the association, whose members were allegedly handpicked by respondent Rodriguez, promulgated rules and regulations relative to the conduct of the election which were arbitrary and one-sided tending to favor only the respondents.

The writ of preliminary injunction and order prayed for were consequently issued by the Court upon the filing by the petitioners of a bond for P1,000.00.

On October 14, 1953, respondents filed an urgent motion to dissolve the writ of preliminary injunction contending that petitioners have no right to final relief because their rights were inexistent and the petition was without any basis in law or in fact. In the meanwhile Isidoro Chaves, one of the petitioners, filed a motion for withdrawal of the petition only in so far as he was concerned. With leave of Court, respondents filed a motion to dismiss on the ground that the Court had no jurisdiction over the subject matter of the action the same being purely an internal affair of the union which was not within the province of the Court to entertain for it must be settled by the officials of the union itself. Deferring its ruling on the motion to dismiss, the Court ordered respondents to answer the petition, which they did on November 25, 1953, the answer containing practically the same arguments adduced in their motion to dissolve the injunction and the motion to dismiss. Commissioners, one suggested by the Court, one by petitioners and another by respondents, were appointed, and after they submitted a report (Exh. 13) showing that Numeriano Roxas won over Sixto Rodriguez by garnering a total of 499 votes, and that Napoleon Zapata still maintained a margin of 12 votes over Bismarck de los Angeles, counsel for respondents Rodriguez and Zapata filed a motion to set the case for hearing claiming that the ballot boxes had been allegedly tampered with.

On December 7, 1953 the Court rendered decision holding that based on the report of the commissioners, Numeriano Roxas was the duly elected president of the association with Napoleon Zapata as vice-president. The Court discounted the testimonies of the witnesses for respondents on account of glaring and serious inconsistencies they had committed. It was further declared by the Court that if there had been irregularities, petitioners were the victims thereof as borne out by the findings of the commissioners. In holding that it had jurisdiction over the case, the Court relied on the principle that there can be no wrong without a remedy in law and a court of first instance, being endowed with general jurisdiction, can determine the right of every aggrieved party. Considering the matter as one of urgent character, the Court likewise ordered that the decision be made immediately

executory.

From this decision, respondents appealed to the Court of Appeals, but as they assigned lack of jurisdiction of the trial Court as one of the errors, said Tribunal certified the same to Us for adjudication in accordance with Section 17 of Republic Act No. 296.

In their brief, petitioners made the manifestation that despite the fact that, Numeriano Roxas was declared elected by the lower Court, respondents continued in their usurpation of the office; that the term of office in issue, had, already lapsed and (after the next reglamentary elections) a new set of officers was installed, among whom was petitioner Numeriano Roxas who was elected this time with a resounding majority.

In view of this new development and considering that the principal point in controversy in this appeal is whether petitioner Numeriano Roxas was the rightfully elected President of the union for that term; that said term has already expired and that a new set of officers was elected and held office for the following term, whatever ruling We may lay down in this matter would be purely academic, moot and of no practical value for the parties.

WHEREFORE, this case is hereby dismissed for being moot, without pronouncement as to costs.

IT IS SO ORDERED.

Paras, C.J., Bengzon, Padilla, Montemayor, Reyes, A., Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Endencia and Felix, JJ., concur.