

**PHILIPPINE ASSOCIATION OF FREE LABOR UNIONS (PAFLU),
PETITIONER, VS. THE BUREAU OF LABOR RELATIONS OF THE
DEPARTMENT OF LABOR AND/OR ITS AGENT, RESPONDENT.**

G.R. Nos. L-21457 and L-21461. April 29, 1966

Ponente: BARRERA, J.

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BARRERA, J.:

This is an original petition filed in this Court by the Philippine Association of Free Labor Unions (PAFLU), praying for an order "enjoining the Bureau of Labor Relations and/or any of its agents to desist from conducting the holding of a certification election among the workers of Insular Lumber Company at Fabrica, Negros Occidental on June 28, 1963, until after the Honorable Court of Industrial Relations shall have resolved the Allied Workers Association's motion for reconsideration and your petitioner's 'Urgent Motion to Hold in Abeyance the Holding of Certification Election'".

It is alleged that petitioner Paflu and the Allied Workers Association filed separate motions in the Court of Industrial Relations, to hold in abeyance the enforcement of its order of May 31, 1963 (in Cases Nos. 63-MC and 64-MC), calling for the holding of certification election to determine the proper collective bargaining agent or employer unit for the workers of Insular Lumber Company, which election would be participated in by herein petitioner union and 3 others having members among the workers. The unions, in these motions, claimed that the holding of election among the workers of the company at Fabrica, Negros Occidental, would deprive those working in its South Negros operations at Hinoba-an, Negros Occidental, of their right to participate in the selection of their bargaining representative. Since the certification elections, as directed in the order of the Industrial Court, was set for June 28, 1963 by the Bureau of Labor Relations (the office in charge of the enforcement of that order) and as of June 25, 1963, the aforementioned motions of the unions still remained unresolved, the present petition was filed on the latter date, obviously with a view to preventing the holding of the scheduled certification election.

This petition was given due course and the respondent Bureau of Labor Relations was required to answer the allegations thereof, but no preliminary restraining order was issued by this Court against the enforcement of the directive to hold the elections as scheduled, on June 28, 1963. The respondent Bureau of Labor Relations failed to file an answer and the parties did not file any brief. When this case was called for hearing on December 11, 1963, none of the parties appeared.

The issue in these cases is whether the certification election to determine the proper collective bargaining representative for the workers of the Insular Lumber Company should be held on June 28, 1963, before the motions of the unions, pending before the Industrial Court, were resolved. Considering that nearly three years had passed since the scheduled-date for the holding of the elections without the parties informing this Court of any action that had been taken in the premises, and in view of the failure of the parties to present any other issue, these cases may now be dismissed for lack of justiciable controversy. No costs. So ordered.

Bengzon, C.J., Bautista Angelo, Concepcion, Reyes, J.B.L., Dizon, Regala, Makalintal, Bengzon, J.P., and Sanchez, JJ., concur.

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