

TIP WORKERS UNION-NATU, PORFIRIO DOMINGO, TEODORICO RAMOS, LADISLAO GASPAR, SIMPLICIO B. PUNONGBAYAN, RENATO PADILLA, GREGORIO VILLAFUERTE, PEDRO GASPAR, OSCAR SALES, ALEJANDRO ...*G.R. No. L-35067. October 31, 1972*

Ponente: FERNANDO, J.

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Petitioners, on May 12, 1972, in this proceeding for the review of a decision by the then Judge Arsenio I. Martinez of respondent Court of Industrial Relations, dated January 1, 1972, thereafter affirmed by the Court en banc, absolving respondent Tobacco Industries of the Philippines, Inc. from a charge of unfair labor practice, consisting of the dismissal of individual petitioners without notice and hearing allegedly by virtue of a maintenance of membership clause in the collective bargaining agreement, challenged the validity of such a decision in the light of what it considered applicable decisions announced by this Court. It likewise raised as a second legal question the effect of a memorandum agreement subsequently entered into, which in its view amounted to a condonation of a strike that was declared illegal by re-spondent Court. The petition was filed with this Court on May 12, 1972, but it was not until June 8, 1972 that it was given due course and respondents required to answer. In the meanwhile, however, they were given the opportunity to comment. Both answers were subsequently filed, the respondent Court did so on July 29, 1972 and respondent Tobacco Industries of the Philippines, Inc. on August 3, 1972.

Before the brief for the petitioners could be filed, there was a joint motion to dismiss appeal dated September 28, 1972. It reads thus: " [Come now] both parties and assisted by their respective counsel and to the Honorable Court most respectfully pray for the dismissal of the appeal of the petitioners from the decision of the Court of Industrial Relations dated January 21, 1972 and allege: 1. That the parties have amicably settled the above-entitled case to the mutual satisfaction of all concerned; 2. That this request of the parties seeking the dismissal of the appeal undertaken by the petitioners from the decision of the Court of Industrial Relations dated January 21, 1972, is sanctioned by Section 4, Rule 50, of the New Rules of Court; [Wherefore], it is most respectfully prayed of the Honorable Court to dismiss the petitioners' appeal in accordance with Section 4, Rule 50 of the New Rules of Court." [1] Both parties were duly represented by counsel, the petitioner union by Atty. Marcelino Lontok, Jr. and respondent Tobacco Industries of the Philippines, Inc. by Atty. Agapito S. Mendoza.

WHEREFORE, as prayed for, let the case be dismissed for being moot and academic. Without costs.

Concepcion, C.J., Zaldivar, Castro, Teehankee, Barredo, Makasiar, Antonio, and Esguerra, JJ., concur.

Makalintal, J., is on official leave.

[1] Motion to Dismiss Appeal, September 28, 1972.

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