

**NATIONAL WATERWORKS & SEWERAGE AUTHORITY,
PETITIONER, VS. COURT OF INDUSTRIAL RELATIONS, KKMK-NWSA,
PAFLU & KKMK-NWSA, RESPONDENTS.**

G.R. No. L-33496. June 19, 1979

Ponente: FERNANDO, Actg. C.J.

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FERNANDO, Actg. C.J.:

Petitioner National Waterworks and Sewerage Authority (NWSA), faced, in its own words, with "the legal quandary resulting from the two separate proposals of both respondent unions, the KKMK-NWSA and the KKMK-NWSA-PAFLU, to renegotiate the existing collective bargaining contract that expired on July 1, 1970 and in NWSA's desire to avert any industrial crisis," filed on May 29, 1970 with respondent Court a petition for certification election to determine which of the two contending unions should be the appropriate bargaining representative of the rank and file employees.[1] Entertaining doubts as to whether respondent Court possessed jurisdiction over a public corporation exercising governmental functions, it included in its prayer "the reservation that in the remote event [it is decided that NWSA is] performing proprietary function, an Order be issued directing certification election to determine which of the two contending unions is the proper bargaining representative of the rank and file." [2] Then came on June 10, 1970, a motion to dismiss from respondent union KKMK-NWSA-PAFLU "alleging that the respondent court has no jurisdiction over the subject matter of the suit; the action is barred by prior judgment; and the petition states no valid cause of action; and praying for the dismissal of the petition for certification election. * * * On or about July 18, 1970, the respondent KKMK-NWSA filed its opposition to the motion to dismiss filed by KKMK-NWSA-PAFLU. [It joined] the NWSA in the petition for certification election." [3] On August 19, 1970, the then Judge Arsenio Martinez of respondent Court "dismissed the petition without prejudice on the ground that it was beyond the jurisdiction or competence of this Court to entertain the petition for certification election because of the alternative stand of petitioner that NWSA is performing governmental function." [4] Not satisfied, petitioner moved to reconsider, but on February 1, 1971, respondent Court en banc issued a resolution affirming the order of August 10, 1970. [5] Hence this petition for certiorari by way of review. It was given due course and respondents were required to answer. Respondents, however, failed to do so and petitioner, in a subsequent resolution of this Court, was required to file its brief, which it did. Neither respondent union filed any brief.

No decision on the merits need be given. The present Labor Code expressly abolished respondent Court of Industrial Relations. [6] Accordingly, in *DBP Employees Union-NATU v. Development Bank of the Philippines*, [7] it was held: "The legal situation has radically changed since this case was submitted for decision. There is a new Labor Code. The Court of Industrial Relations was therein abolished, a National Labor Relations Commission taking its place. What is more, there is no mention of any executive certification of labor disputes to such an agency. Under the circumstances, whatever decision that will be rendered by this Court would be characterized by its rather academic character. A ruling on the merits appears unnecessary and inadvisable. At most, it will be in the nature of an advisory opinion." [8] As to the principal question raised, mention may be made, however, of the fact that in *Philippine Virginia Tobacco Administration v. CIR*, [9] this Court ruled that

notwithstanding the exercise of powers governmental in nature rather than proprietary in character by government-owned corporations, the now defunct Court of Industrial Relations still possessed juris-diction over labor disputes.

WHEREFORE, the petition is dismissed for being moot and academic.

Antonio, (Acting Chairman), Aquino, Santos, and Abad Santos, JJ., concur.

Barredo and Concepcion, Jr., on leave.

[1] Petition, par. III, Statement of Facts and the Case and Annex A.

[2] Ibid.

[3] Ibid, par. V.

[4] Ibid, par. VIII, Annex G.

[5] Ibid, pars. IX and X and Annex J.

[6] Presidential Decree No. 442, Article 299 (1974).

[7] L-30961, January 29, 1975, 62 SCRA 160.

[8] Ibid, 161-162. Cf. E. Lim & Sons Manufacturers, Inc. v. CIR, L-39117, September 25, 1975, 67 SCRA 124.

[9] L-32052, July 25, 1975, 65 SCRA 416.

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