

YUCUANSEH DRUG CO., INC., PETITIONER, VS. THE HON. SECRETARY OF LABOR AND YUCUANSEH EMPLOYEES ASSOCIATION(FFW), RESPONDENTS.*G.R. No. L-38373. April 30, 1975*

Ponente: FERNANDO, J.

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This petition for certiorari against respondent Secretary of Labor and the Yucuanseh Employees Association (FFW) had its origin in an order of Arbitrator Teresita P. Mendoza, who after finding that with petitioner and private respondent labor union having settled the issues arising from a negotiation for a collective bargaining agreement, required the parties to appear before her on October 29, 1973 for the purpose of having it finalized. There was an appeal by petitioner to the former National Labor Relations Commission based on the allegation that the aforesaid order covered matters beyond the terms of what was agreed upon and that certain vital evidence was disregarded. The appeal was denied for lack of merit by the aforesaid Commission on December 11, 1973. The matter was then elevated to respondent Secretary of Labor with the same result. Thus his decision of February 12, 1974 required petitioner and private respondent to appear before Arbitrator Mendoza within ten days from receipt thereof for the purpose of having such collective bargaining agreement finalized. In this petition filed on May 17, 1974, the jurisdictional question raised was the absence of any authority of counsel for petitioner to negotiate the terms of the collective bargaining agreement and therefore his lack of competence to bind management. It is alleged that the failure of respondent Secretary of Labor to inquire into and to resolve in accordance with its submission the issue of lack of authority constituted a grave abuse of discretion amounting to lack of jurisdiction. This Court, in a resolution of May 29, 1974, required respondents to comment.

The Solicitor General, on behalf of respondent Secretary of Labor, in complying with the aforesaid resolution, denied that there was such a grave abuse of discretion but at the same time stressed that the matter had become moot and academic in view of the signing of a collective bargaining agreement. As set forth in his Comment: "On May 22, 1974, petitioner and respondent labor union signed a collective bargaining agreement embodying the terms and conditions of employment by the former of the members of the latter. Among such terms and conditions are the grant by petitioner to its covered employees of an across-the-board salary increase of P20.00 and emergency allowance of P30.00 per month. The very issue in this case is whether the respondent Secretary of Labor abused his discretion or acted beyond his jurisdiction when he dismissed the appeal of petitioner from the decision of the National Labor Relations Commission which in turn affirmed the decision of the arbitrator requiring petitioner to sign with private respondent a collective bargaining agreement providing for an across-the-board salary increase of P70.00 per month to the members of private respondent. Since private respondent has agreed to accept a lesser increase, presumably in consideration for the grant of other benefits such as the emergency allowance of P30.00 per month, the issue raised in this proceeding has become academic. The collective bargaining agreement signed by petitioner and private respondent supersedes and negates the decision of the arbitrator." [1] Similarly, there was a manifestation on the part of petitioner, filed with this Court as early as

May 31, 1974, which reads thus: "1. On 17 May 1974, the corresponding Petition for Certiorari [with] Prayer for Writ of Preliminary Injunction was duly filed with the Honorable Court; 2. Because the parties, particularly private respondent and petitioner herein, had in the meantime resolved their differences in the main case, the questions raised by the petition have become moot and academic; and, 3. Therefore, petitioner does hereby manifest that said petition is deemed abandoned [or] withdrawn." [2] Its petitory portion explicitly affirms that "the petition is hereby abandoned or withdrawn in the light of the abovestated development." [3]

WHEREFORE, the petition is dismissed in view of its moot and academic character. No costs.

Barredo, Antonio, Aquino, and Concepcion, Jr., JJ., concur.

[1] Comments dated June 21, 1974.

[2] Compliance with Manifestation dated May 27, 1974.

[3] Ibid.

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