

**NATIONAL SUGAR WORKERS UNION--PAFLU, ASSISTED AND/OR
JOINED BY ITS MOTHER FEDERATION, PHILIPPINE ASSOCIATION OF
FREE LABOR UNIONS (PAFLU), PETITIONERS, VS. HON. ARSENIO I.
MARTI...**

G.R. No. L-27469. December 19, 1980

Ponente: CONCEPCION JR., J.

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CONCEPCION JR., J.:

This petition for certiorari and prohibition with urgent prayer for preliminary injunction questions the alleged grave abuse of discretion committed by the then Presiding Judge of the Court of Industrial Relations (Judge Arsenio I. Martinez), contained in the Order dated April 11, 1967 in Certification Election Case No. 91-MC-ILO,[1] ordering the canvassing of the election results to be deferred and not acting on the same upon the submission of the election returns, contrary to the resolution of the CIR en banc dated March 14, 1967, with dispositive portion, to wit:

"IN VIEW THEREOF, it is the sense of this Court that this certification election shall continue until terminated with the actual canvassing to be deferred, however, and the minutes of the balloting and the ballot boxes themselves to remain under seal until further order from this Court and more particularly up to the time the Supreme Court shall have decided on the petition for certiorari.

"So Ordered."[2]

Pertinent undisputed facts are as follows:

Claiming a majority representation among the workers in the Central Azucarera De La Carlota, respondent Associated Labor Union (ALU) filed on July 20, 1966, a petition for certification elections with the then Court of Industrial Relations (CIR Case No. 91-MC-Iloilo). Petitioner National Sugar Workers Union (NASWU--PAFLU) answered the petition on August 6, 1966. At the hearing of the case, both parties agreed on the composition of the bargaining unit and the list of eligible voters. Presiding Judge Arsenio I. Martinez issued the order dated January 28, 1967, granting the petition and requesting the Department of Labor to conduct the certification election with the contending unions NASWU-PAFLU and ALU.[3]

Not satisfied with the foregoing order, respondent ALU filed a motion for reconsideration.[4] The ALU also filed a motion to suspend the certification elections.[5] The Court of Industrial Relations en banc issued a resolution dated February 18, 1967, suspending the scheduled certification elections until the resolution of the pending motion for reconsideration.[6]

On March 14, 1967, the CIR en banc issued its resolution denying respondent ALU's motion for reconsideration and lifting the suspension of the certification elections.[7] The Department of Labor, through the Bureau of Labor Relations, scheduled the certification elections for April 3, 1967, subsequently reset for April 11, 1967 upon motion of respondent ALU.

On April 9, 1967, respondent ALU sought an injunction from the CIR en banc to suspend the certification elections scheduled for April 11, 1967, on the ground that respondent ALU brought by way of certiorari to this Court an appeal to the resolution of the CIR denying its motion for reconsideration.[8]

Although the respondent ALU's motion to suspend the certification elections was addressed to the CIR en banc, respondent Pre-siding Judge Arsenio I. Martinez issued the controverted order of April 11, 1967, allowing the elections but stopping the canvassing of the results thereof.[9] The Department of Labor election supervisors suspended the canvassing of the election results as a result of that order.[10]

The only issue in this case, whether or not respondent Presiding Judge committed grave abuse of discretion when he issued the controverted order dated April 11, 1967, has become moot and academic, when this Court in its resolution of May 19, 1967, in G.R. No. L-27382, acting upon the urgent motion filed by the Central Azucarera De la Carlota, respondent in that case and in this case, ordered the respondent Court of Industrial Relations to allow the counting of the ballots cast in that certification elections and to immediately report the results to the Supreme Court.[11] This Court dismissed the petition for certiorari and prohibition in G.R. No. L-27382, for being moot and academic, considering the lapse of time, that the management of the Central Azucarera De La Carlota and the employees had not taken any further action and further, that even the Court of Industrial Relations had been abolished.[12]

WHEREFORE, for the same reasons, this petition is likewise dismissed for being moot and academic. Without costs.

SO ORDERED.

Barredo, (Chairman), Abad Santos, and De Castro, JJ., concur.
Aquino, J., see concurrence.

[1] pp. 35-36, rollo.

[2] Annex "J" to Petition; p. 36, rollo.

[3] pp. 16-19, rollo.

[4] pp. 20-24, Id.

[5] pp. 25-26, Id.

[6] p. 27, Id.

[7] pp. 29-30, Id.

[8] G.R. No. L-27382, Associated Labor Union vs. Court of Industrial Relations, The Secretary of Labor, National Sugar Workers' Union-PAFLU and Central Azucarera De La Carlota.

[9] pp. 35-38, rollo.

[10] pp. 37-39, Id.

[11] p. 2, Resolution, promulgated March 25, 1975, G.R. No. L-27382.

[12] p. 3, Ibid.

CONCURRING OPINION

AQUINO, J.:

I concur. CIR Judge Arsenio I. Martinez in his orders of January 28 and March 14, 1967 ordered the holding of a certification election at the Central Azucarera de la Carlota (Case No. 91-MC-ILO).

The election was held on April 11, 1967 but Judge Martinez on that same day directed that the canvassing of the votes in that election should be deferred until this Court had decided the certiorari case.

He was referring to L-27382 wherein the Associated Labor Union assailed his aforementioned orders of January 28 and March 14, 1967. This Court in its resolution of May 19, 1967 in L-27382 ordered the CIR to allow the counting of the votes.

On the other hand, the National Sugar Workers Union in this case, L-27469, assailed Judge Martinez's order of April 11, 1967, suspending the counting of the votes cast in the certification election. This Court issued an injunction against the enforcement of that order.

L-27382 was dismissed in this Court's resolution of March 25, 1975. It had become moot because the certification election had actually been held (63 SCRA 246).

That dismissal means that this case had also become moot.

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