

PHILIPPINE ASSOCIATION OF FREE LABOR UNIONS (PAFLU), PETITIONER, VS. COURT OF INDUSTRIAL RELATIONS AND LEGASPI OIL, INC., RESPONDENTS.

G.R. No. L-33296. November 28, 1980

Ponente: DE CASTRO, J.

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DE CASTRO, J.:

Petition for review on certiorari of the resolution dated January 26, 1971 of the Court of Industrial Relations suspending the proceedings in Case No. 2339-MC, subject matter of the present petition, pending resolution of Case No. 9-MC Bicol.

On January 11, 1969, petitioner (PAFLU) filed before the respondent court a petition for certification, docketed as Case No. 2339-MC, praying that it be certified as the collective bargaining agent for the rank-and-file employees in the oil refinery of respondent Legaspi Oil, Inc., at Arimbay, Legaspi City, or in the alternative, for the court to direct the holding of a certification election within the unit.

In the answer dated January 26, 1969 of respondent company, it was alleged that the members of petitioner union in the rank-and-file employees of respondent, represents a negligible minority; that a clear majority of all the rank-and-file employees desire not to be represented by any labor unions; that there is a pending petition for certification election before the Court of Industrial Relations docketed as Case No. 9-MC Bicol instituted by Arimbay Workers Association (AWA) wherein the National Mines and Allied Workers Union (NAMAWU) has intervened; that these legitimate labor unions are separately claiming majority membership in the rank-and-file employees of respondent company, and that since the same issue is involved in the present case and Case No. 9-MC Bicol, any decision rendered in the latter will amount to the adjudication of the former.

After several hearings of the instant case, respondent court issued an order dated May 22, 1970 directing the holding of a certification election.

Respondent company filed a motion for reconsideration reiterating the grounds set forth in its Answer and stating that the pendency of Case No. 9-MC Bicol is a legal impediment to the holding of a certification election as directed in the aforesaid order of respondent court.

On January 26, 1971, the Court of Industrial Relations en banc issued a resolution suspending all proceedings in the present case pending resolution of Case No. 9-MC Bicol; hence, the present petition, petitioner raising the question of whether the Court of Industrial Relations may delay any resolution of a certification election for more than 5 years, and at the same time, close the doors to other attempts by the employees for another certification election for collective bargaining.

Petitioner alleged that in Case No. 9-MC Bicol, respondent court issued an order dated October 7, 1965 for the holding of a certification election; and pursuant to said order, a certification election was held on January 18, 1966. However, in spite of the holding of the election, respondent court has not issued an order on the result of

said election for more than five years, thus the rank-and-file employees of respondent company has not been able to exercise their right to unionism and collective bargaining because of the long delay on a certification election case.

Respondent's answer dated July 26, 1971 filed before this Court alleged that the disposition of Case No. 9-MC Bicol was held in abeyance pending final disposition of unfair labor practice cases, namely: Case No. 3626-ULP, "National Mines and Allied Workers Union, et al. vs. Legaspi Oil Company, et al."; Case No. 3955-ULP, "National Mines and Allied Workers Union, et al. vs. Legaspi Oil Company, et al."; and Case No. 48-ULP (Bicol), "National Mines and Allied Workers Union vs. Legaspi Oil Company, et al." Although the election has already been held, the result cannot be declared because the ballots cast by employees who are involved in the unfair labor practice cases were segregated and the question of whether these segregated ballots were to be opened and counted will depend upon the result of the aforesaid cases.

In the resolution of July 23, 1980 of this Court, the parties were required to inform Us whether: (a) Cases Nos. 3626-ULP, 3955-ULP, 48-ULP (Bicol) all entitled "National Mines and Allied Workers Union, et al. vs. Legaspi Oil Company, et al." have been decided; and (b) the present case has already become moot and academic.

In a manifestation dated October 8, 1980 of Atty. Israel Bocobo (now Commissioner of Social Security Commission and former member of Cipriano Cid & Associates who handled this case), he stated that petitioner had split into two factions, namely: PAFLU-September and PAFLU-July; that the present case is already moot and academic for PAFLU-September since it has no more contact with the members thereof.

Atty. Wilfredo Guevara, counsel for PAFLU-July, in his manifestation dated October 11, 1980 stated that said faction has no record at all of the present case and has no knowledge regarding the same which was obviously initiated long before the death of Atty. Cipriano Cid.

Atty. Linda P. Ilagan, Chief Legal Officer of the National Labor Relations Commission, in her manifestation and compliance dated October 9, 1980, filed in behalf of respondent Court of Industrial Relations, stated that Atty. Bocobo, representing one faction, informed her that they are no longer interested to proceed with the present petition as they lost contact with the workers involved in this case; that former secretary Onofre Guevara, who represents the other faction, said that they do not have any hand in this case; that Cases Nos. 48-ULP, 3626-ULP and 3955-ULP have already been decided; that in view of the above circumstances, apparently it is the decision of the parties not to proceed anymore with the present case, hence the same can be considered moot and academic.

IN VIEW OF THE FOREGOING, the case is hereby dismissed for being moot and academic. Without costs.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Guerrero, and Melencio-Herrera, JJ., concur.
Fernandez, J., took no part.

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