

ASSOCIATED LABOR UNION, PETITIONER, VS. COURT OF INDUSTRIAL RELATIONS, THE SECRETARY OF LABOR, NATIONAL SUGAR WORKERS' UNION-PAFLU, AND CENTRAL AZUCARERA DE LA CARLOTA, RESPONDE...

G.R. No. L-27382. March 25, 1975

Ponente: FERNANDO, J.

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FERNANDO, J.:

The plea of petitioner Associated Labor Union in this certiorari and prohibition proceeding with a prayer for a writ of preliminary injunction, is to restrain the holding of a certification election as ordained in an order of January 28, 1967 of respondent Court,[1] through its then Presiding Judge Arsenio I. Martinez, a motion for its reconsideration having proved futile as shown in a resolution of the Court en banc dated March 14, 1967.[2] Its objection to the holding of such certification election was the alleged exclusion from the list of eligible voters of nearly eighty rank-and-file employees, presumably members of petitioner union.[3] This Court in a resolution of April 7, 1967 required respondents to file an answer. No preliminary injunction was issued. In the answer filed by respondent National Sugar Workers' Union, it was alleged that the certification election sought to be restrained had actually taken place, but the canvassing of ballots was enjoined by respondent Court.[4] It alleged in affirmative defense that the only purpose of petitioner in filing the suit was to harass respondent Union, knowing fully well that in a free election, it had no chance, such motivation being more evident from the tactics employed by petitioner seeking various postponements to avoid the holding of the certification election. As a matter of fact, it included as an annex[5] a petition for the canvassing of the ballots addressed to respondent Court, with the allegation that the signatories numbered at least eighty per cent of the workers.

As far back as May 19, 1967, there was a resolution by this Court to this effect: "Acting upon the urgent motion filed by the Central Azucarera de la Carlota, respondent in case G. R. No. L-27382 (Associated Labor Union vs. CIR, et al.) praying, for the reasons therein stated, that respondent Court of Industrial Relations be required to allow the counting of the ballots cast in Certification Election case No. 90-MC Iloilo; and considering that in case G. R. No. L-27469 (National Sugar Workers' Union-PAFLU vs. Hon. A. Martinez, et al.), this Court has issued a writ of preliminary injunction against the enforcement of the order suspending the counting of the ballots in said certification election case, as well as the facts alleged in the motion of respondent Central, the Court [resolved] that, without prejudice to the present case taking its course, the respondent Court of Industrial Relations be, as it hereby is, ordered to allow the counting of the ballots cast in the aforementioned certification election and to immediately report the results to this Supreme Court for its information and action." [6] Since then, the parties have not even moved in the premises. There was a motion for leave to file memorandum in lieu of oral argument by petitioner union, but the records do not show such a memorandum having been filed. It would appear, therefore, considering the lapse of time, that the matter had indeed become moot and academic. Management represented by Central Azucarera de la Carlota and the employees and workers therein have not taken any further action. It is thus clear that the moot and academic character of this petition can be discerned, not only from the

abolition of the Court of Industrial Relations, but from the equally obvious fact that petitioner union had, for reasons of its own, decided to let well enough alone.

WHEREFORE, this petition for certiorari and prohibition is dismissed for being moot and academic. No costs.

Barredo, Antonio, Fernandez, and Aquino, JJ., concur.

[1] Petition, Annex J.

[2] Ibid, Annex S.

[3] Ibid, par. 10.

[4] Answer of respondent National Sugar Workers' Union, par. 9.

[5] Annex A.

[6] Resolution of this Court dated May 19, 1967.

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