

**RODOLFO A. PAET, VICENTE BENEDICTO, ARTEMIO VILORIA,
FELICISIMA CASTAÑEDA, NORA BUENVIAJE AND GERVACIO
NACALABAN, PETITIONERS, VS. COURT OF FIRST INSTANCE OF
RIZAL (BRANCH XVI),...**

G.R. No. L-33367. January 31, 1978

Ponente: FERNANDO, J.

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FERNANDO, J.:

This is a petition for certiorari to set aside an ex parte order of the Court of First Instance of Rizal, Branch XVI granting the writ of preliminary injunction prayed for by private respondents,[1] lifting the order of their suspension as officers and members of the National Directorate of the DBP Employees Union-NATU, such suspension being a result of an intramural labor union dispute between the other groups of officers led by petitioners. The basic theory of the petition was that a case of labor dispute was beyond the jurisdiction of an ordinary court and was cognizable by the then existing Court of Industrial Relations. Respondents were required to answer; private respondents sought to sustain the jurisdiction of such court, alleging that the complaint was for moral damages and not unfair labor practice suit. The case was set for oral argument by this Court, but the parties instead prayed that they be allowed to file their respective memoranda.

This petition was among the labor controversies not decided when the Court of Industrial Relations was abolished and the present Labor Code issued. On May 6, 1977, this Court issued the following resolution: "Considering that the issue raised by petitioners in this petition for certiorari, injunction and/or restraining order is whether respondent Court possesses jurisdiction over an intramural labor dispute which arose from the suspension of respondents as officers and members of the DBP Employees Union-NATU for refusing to strike, the Court Resolved to require the parties in this case to [state], within ten (10) days from notice, whether the issue in this case has become moot and academic." [2] Such resolution was prompted by the undisputed fact that the tenure of office of the officers in the controversy has been terminated. Moreover, in the absence of a restraining order in this case, no obstacle thus being interposed on the enforcement of the mandatory injunction, the officers of the labor union of both factions must have continued in their respective positions.

As of July 19, 1977, there was a compliance of the above resolution by private respondents who filed the following manifestation: "That in compliance with the resolution of this Honorable Court dated May 6, 1977, copy of which was received on May 23, 1977, it is most respectfully stated that the issue in the aforesaid petition has become moot and academic considering the fact that the principal petitioners namely Messrs. Rodolfo Paet, Benedicto and Francisco Angeles have already retired from the Development Bank of the Philippines and the first mentioned petitioner who was the former union president is already in the United States." [3] Petitioners, notwithstanding the fact that such manifestation was furnished their counsel, did not file any objection.

WHEREFORE, this case is dismissed for being moot and academic. No costs.

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

Santos, J., on official leave.

[1] The private respondents are Bonifacio G. Prudente, being executive vice-president, Leopoldo Falcis, 3rd vice-president and Artemio T. Asia, director.

[2] Resolution dated May 6, 1977.

[3] Compliance/Manifestation dated May 23, 1977.

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