

DOMINADOR DE LOS REYES, PETITIONER, VS. BENGUET CONSOLIDATED, INC., BCI EMPLOYEES AND WORKERS UNION-PAFLU AND ELISEO P. FLORA, AND THE COURT OF INDUSTRIAL RELATIONS, RESPONDENTS.

G.R. No. L-33534. June 20, 1977

Ponente: FERNANDO, J.

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FERNANDO, J.:

The sole issue raised in this certiorari proceeding is whether or not respondent Court of Industrial Relations gravely abused its discretion in not permitting petitioner to run in the election for union officers held by respondent BCI Employees and Workers Union-PAFLU in 1971. He had previously been expelled from such labor organization,[1] as a result of which respondent Benguet Consolidated, Inc. terminated his services.[2] He then instituted an unfair labor practice suit before respondent Court against management and respondent union.[3] It was because of its pendency that he was not allowed to run in the 1971 elections. The answer by respondents denied that such actuation of respondent Court amounted to a grave abuse of discretion. The case was then set for hearing. On the date set, there was no appearance for petitioner. Nonetheless, this Court granted the parties the opportunity to submit memoranda. A memorandum was submitted by respondent Union, but again petitioner did not choose to avail himself of such opportunity. On May 6, 1977, this Court issued the following resolution: "It appearing from the pleadings filed in this case that the issue involved is whether or not respondent court erred in not permitting petitioner to run in respondent union's election of February 12, 1971 in view of the pendency of petitioner's case for unfair labor practice - an issue that may have been rendered moot and academic in view of later develop-ments, the Court Resolved to require the parties in this case to [manifest], within ten (10) days from notice, whether this case has become moot and academic." [4]

The respondents other than the Benguet Consolidated, Inc., submitted this manifestation on June 6, 1977: "1. Petitioner lost in the Unfair Labor Practice case he filed before the defunct Court of Industrial Relations and as a result, he was considered validly ousted as member of respondent BCI Employees and Workers, Union-PAFLU. Petitioner did not appeal from the said Order or Decision, * * *; 2. Respondent Union has had two elections after February 12, 1971 and Petitioner has never questioned the validity of the same; 3. Finally, Petitioner is now the District Regional Director for Northern Luzon of another union, the National Mines and Allied Workers Union (NMAWU--MIF), a rival of petitioner's old union which is the respondent union." [5] The prayer was to have the case considered as moot and academic.

Thereafter, on June 10, 1977, respondent Benguet Consolidated, Inc. likewise submitted this manifestation: "1. That respondent BCI Employees & Workers Union-PAFLU had an election of officers on February 12, 1971 in which Ben Dugoy was the duly elected Union President, and together with the other duly elected officers took their oath of office; 2. That since the February 12, 1971 elections up to the present the said Union had two (2) more elections of officers each with a two-year term of office in which petitioner never questioned their validity; 3. That petitioner is presently the District Regional Director for Northern Luzon of the National Mines and Allied

Workers Union (NMAWU-MIF)."[6] Again, the prayer was for the case to be considered moot and academic. The absolute lack of interest on the part of petitioner is made evident by his failing to submit any comment notwithstanding the fact that the counsel was served a copy of the resolution of this Court of May 6, 1977.

WHEREFORE, this petition for certiorari is dismissed for being moot and academic.

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

Concepcion, Jr., J., on leave.

[1] Petition, par. 3.

[2] Ibid, par. 4.

[3] Ibid, par. 5.

[4] Resolution of this Court dated May 6, 1977.

[5] Manifestation of Respondents other than Benguet Consolidated, Inc.

[6] Manifestation of Respondent Company.

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