

**JUAN WONG, ISIDRO DE LOS REYES, NITA ONA, VIRGINIA ALBARAN,
LETICIA YOUNG, MARIA MUSNGI, HERMINIO MAÑALAC, LUIS
RIVERA, GODOFREDO NALAGON, MANUEL CARMELO, GONZALO
GELICIA, EPIFA...**

G.R. No. L-35028. September 28, 1972

Ponente: FERNANDO, J.

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FERNANDO, J.:

Even the most cursory perusal of this petition for certiorari and prohibition filed by the officers and members of Pan Asia United Workers Union on May 4, 1972 would make apparent its merit. As noted therein: "On 10 April 1972, petitioners declared a strike against the respondent Company and picketed the latter's premises for unfair labor practices committed by respondent Company against the petitioners; Even long before the April 10, 1972 strike afore-mentioned, the Pan Asia United Workers Union, to which the petitioners are all officers and members, filed a Charge of Unfair Labor Practice against the respondent Company before the Court of Industrial Relations, docketed as [Charge No.] 4970 ULP, entitled '[Pan Asia United Workers Union, et al. vs. Pan Asia Publishing & Printing Co., Inc., et al.]' * * *'; Subsequent to the filing of the aforementioned Charge of Unfair Labor Practice, the petitioners and other employees of respondent Company declared a strike as already stated in paragraph 4 hereof by reason of the unfair labor practice acts of respondent Company, which continued, and still continue, with unrelenting efforts; Series of conciliation and mediation efforts by the Bureau of Relations, Department of Labor, proved fruitless on account of the continuous and incessant harassment of the other members of Pan Asia United Workers Union by respondent Company and the latter's adamant and unjustified refusal to reinstate petitioners Leonardo Gonzales and Emiliano Shih (President and Vice-President, respectively, of Pan Asia United Workers Union) who were arbitrarily dismissed by respondent Company for no reason whatsoever other than their union activities; * * *." [1] Then came the allegation that on April 13, 1972 "a complaint purportedly for damages with application for a writ of preliminary injunction against the petitioners, [not] with the [Court of Industrial Relations] which obviously has jurisdiction over the subject matter, but with the [Court of First Instance of Rizal], docketed thereat as Civil Case No. 16004. The complaint is deliberately captioned as '[Damages with Prayer for a Writ of Preliminary Injunction],' apparently calculated to detract the attention of respondent Court from the factual situation that the case really involves a labor dispute. However, it cannot be denied that, upon the very face of the complaint itself, there exists a labor dispute between petitioners and respondent Company as shown in paragraphs 4, 5, 6, 7, 8 and 9 of the complaint * * *." [2] Notwithstanding an urgent motion to dismiss on the ground of lack of jurisdiction, in view of the pendency of an unfair labor practice charge in the Court of Industrial Relations, respondent Judge Guardson R. Lood ordered petitioners to answer the complaint within ten days and at the same time "to refrain and to desist from committing the acts complained of, such as striking, walking-out, and indulging in picketing, and at the same time designating the Deputy Sheriff assigned in the sala of respondent Judge to serve and implement the aforesaid order." [3] That is the order complained of in the petition before us on the ground of its issuance without jurisdiction or, at the very least, with grave abuse of discretion.

The above allegations, on their face would call for the application of the now well-settled doctrine that under such facts, not a court of first instance but the Court of Industrial Relations possesses jurisdiction.[4]

Then came our resolution of May 11, 1972 worded thus: "Respondents are required to file an answer to the petition for certiorari and prohibition with writ of preliminary injunction within ten (10) days from notice hereof, and not to move to dismiss the petition. Effective immediately and until further orders from this Court, let temporary restraining order issue." The hearing of the case was then set for August 14, 1972. It was, however, postponed to August 29, 1972. Before it could be heard, however, there was a motion coming from petitioners themselves to declare the case moot and academic as apparently in the meanwhile, there was an amicable settlement of the labor dispute with a return-to-work agreement. When asked to comment, private respondents confirmed that the controversy had in fact ceased to exist, both parties having come to terms mutually satisfactory.

WHEREFORE, in the light of the above, the case is therefore dismissed, the matter in issue having become moot and academic. Without pronouncement as to costs.

Concepcion, C.J., Zaldivar, Castro, Teehankee, Barredo, Makasiar, Antonio, and Esguerra, JJ., concur.

Makalintal, J., is on official leave.

[1] Petition, pars. 4-7.

[2] Ibid, par. 8

[3] Ibid, par. 12.

[4] Cf. *Mindanao Rapid Co. Inc. vs. Omandam*, L-23058, Nov. 27, 1971, 42 SCRA 250; *National Sugar Workers Union vs. La Carlota Sugar Central*, L-23569, May 25, 1972, 45 SCRA 104; *Phil. Association of Free Labor Union vs. Hon Perfecto Quicho*, L-30153, Sept. 13, 1972.

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