

**PHILIPPINE CHARITY SWEEPSTAKES EMPLOYEES
ASSOCIATION-PAFLU, HERMILO ROSAL, EMETERIO TAGUDIN,
ENRIQUE TANADA, JUSTINA TAYO, LOURDES ESCUTIN AND
ANTONIO OCAMPO, PETITIONERS, VS. C...**

G.R. No. L-34688. August 30, 1972

Ponente: FERNANDO, J.

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FERNANDO, J.:

This petition for mandamus by the Philippine Charity Sweepstakes Employees Association-Paflu,[1] limited solely to compelling respondent Court of Industrial Relations[2] to do what under the law it should have done, namely, to act on an urgent petition for the issuance of preliminary mandatory injunction filed more than four months previous to this proceeding, should make evident its highly persuasive character. Nonetheless, instead of giving it due course right away, respondents were required to comment, a step that could have been construed by the Court of Industrial Relations as a hint that it should dispose one way or the other of such motion and thus avoid one more proceeding clogging our docket. Accordingly in our resolution of February 11, 1972, we required respondent Court to comment within ten days. Only the Philippine Charity Sweepstakes Office did so on March 10, 1972. Its pleading was considered as its answer to the petition. Respondent Court is still to be heard from. It could have been due to a realization that it had no valid defense. The petition was thereafter submitted with petitioner Union and respondent Philippine Charity Sweepstakes Office submitting their respective memoranda.

The memorandum of respondent Philippine Charity Sweepstakes Office sought the dismissal of this petition on the ground that it had become moot and academic. As set forth therein: "On May 26, 1972, while the instant case was pending, the CIR en banc issued its Resolution on the Motion for Reconsideration of petitioners of the Order of September 2, 1971 which denied the Urgent Petition for the Issuance of a Writ of Preliminary Mandatory Injunction, when the Court en banc affirmed the Order of the Trial Court of September 2, 1971, with slight modification. Thus, the act sought to be compelled from the CIR en banc was already performed when the CIR en banc issued its Resolution of May 26, 1972. In fact petitioners filed their Notice of Appeal from the Resolution en banc dated June 19, 1972. The fact that the instant case has become moot and academic can also be gleaned from the Manifestation filed by petitioners with this Honorable Court on June 22, 1972. They manifested that at the time petitioners filed the petition for mandamus to compel the respondent court en banc to act, one way or the other, on petitioner's Urgent Petition for the Issuance of Writ of Preliminary Mandatory Injunction dated June 16, 1972, the court en banc has not yet resolved the Motion for Reconsideration of the Trial Court's Order of September 2, 1971; and that the CIR en banc issued its Resolution on this Motion for reconsideration and are appealing the case to this Court. Unfortunately, petitioners ominously omitted that the Resolution of the Court en banc on May 16, 1972 has in effect denied the Urgent Petition for Issuance of Writ of Preliminary Mandatory Injunction sought to be acted upon in the Petition for Mandamus." [3]

There is justification then for the assertion that the proceeding had in fact become moot and academic. Candor on the part of petitioner Union did surely call for informing this Court as to the resolution of May 26, 1972. If

however there is a need for any admonition on the part of this Tribunal, it is the respondent Court of Industrial Relations that should be at the receiving end. It was in the best position to apprise this Court of what was happening before it, yet it allowed the other respondent to file the necessary pleadings. Its silence, of course, was understandable. There certainly was no justification for its failure to act one way or the other on the urgent motion for the issuance of a writ of preliminary mandatory injunction filed by petitioner Union. Precisely such a tribunal owes its existence to the belief entertained by the legislative body that thereby labor laws could be effectively implemented. As far back as 1940, this Court, through Justice Laurel, had occasion to stress the responsibility incumbent upon it in these words: "The Court of Industrial Relations is a special court whose functions are specifically stated in the law of its creation * * *. It is more an administrative board than a part of the integrated judicial system of the nation. It is not intended to be a mere receptive organ of the Government. Unlike a court of justice which is essentially passive, acting only when its jurisdiction is invoked and deciding only cases that are presented to it by the parties litigant, the function of the Court of Industrial Relations, as will appear from perusal of its organic law, is more active, affirmative and dynamic." [4] While Republic Act 875 [5] did limit its jurisdiction, it is undoubted that to the extent that it is empowered to act, it is called upon to do so with promptitude and dispatch. It should avoid unnecessary delay which works against the rights of labor. It would conduce to loss of public confidence in its effectiveness if as was demonstrated here, and unfortunately its failing is not a typical, there would be further legitimate disappointment of expectations as to its readiness, if not its ability, to live up to the task entrusted to it. Moreover, had it taken care just to comply with what the law ordains, which is implicit in the rule of law, a proceeding of this character would have been totally unnecessary. It is to be expected that hereafter, greater care would be exerted by respondent Court so that complaints of this character need not be elevated to this Tribunal.

While it is to be admitted that the petition had been rendered moot, still there is, unfortunately, need for the expression of the observations just made.

WHEREFORE, this petition is declared moot and academic. Without pronouncement as to costs.

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

Esguerra, J., took no part.

[1] The other petitioners are Hermilo Rosal, Emeterio Tagudin, Enrique Tanada, Justina Tayo, Lourdes Escutin and Antonio Ocampo.

[2] The other respondent is Philippine Charity Sweepstakes Office.

[3] Memorandum, p. 4.

[4] *Ang Tibay vs. Court of Industrial Relations*, 69 Phil. 635, 639-640.

[5] The Industrial Peace Act (1953).

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