

**MARINDUQUE MINING & INDUSTRIAL CORPORATION,
PLAINTIFF-APPELLEE, VS. SANTIAGO YAP, ET AL.,
DEFENDANTS-APPELLANTS, PHILIPPINE ASSOCIATION OF FREE
LABOR UNIONS (PAFLU), JESUS HIPUL...**

G.R. No. L-28903. August 22, 1968

Ponente: SANCHEZ, J.

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SANCHEZ, J.:

Pursuant to a collective bargaining agreement executed on September 8, 1964 but made effective on May 16, 1964 by and between Marinduque Mining & Industrial Corporation (Marinduque, for short) on the one hand and two unions, the Philippine Association of Free Labor Unions (PAFPLU) and the National Mines and Allied Workers Union (PAFLU), Sipalay Chapter, on the other, a check-off privilege was granted for union dues and special assessments, viz: One-half (1/2) of the union dues collected by the company, by virtue of the check-off, shall be paid to the NAMAWU (PAFLU), Sipalay Chapter and the other half to PAFLU, Manila.

A dispute arose between NAMAWU (PAFLU), Sipalay Chapter, and PAFLU, Manila, with reference to the company's implementation of the check-off provision just mentioned. On February 11, 1965, the local officers of NAMAWU revolved to withhold the portion deducted from the individual pay of the workers which goes to PAFLU in Manila as its share of the union dues. On May 4, 1965, PAFLU in turn requested petitioner to withhold payment of all check-off union dues from both PAFLU and NAMAWU until the question of who is entitled to those union dues is decided by competent authorities.

It was by reason of the facts just adverted to that Marinduque went to the Court of First Instance of Negros Occidental[1] on petition for interpleader against the two unions and the officers enumerated in the petition amongst whom were Prudencio Jalandoni and Santiago Yap. The company there prayed that the two unions interplead amongst themselves the conflicting claims between them; that petitioner be directed to pay in court the checked-off union dues from the workers which have been withheld; that said payment be considered as made to whomsoever of the two unions is entitled thereto. Defendants-appellants Santiago Yap, et al., having been declared in default by order of January 17, 1966, appealed from said order.[2]

On June 9, 1967, while this case was pending appeal, a certification election was conducted at Marinduque, in Sipalay, Negros Occidental, between a new union, Lakas ng Manggagawang Maka-bayan (ALU) - represented by appellants Prudencio Jalandoni as its national president and Santiago Yap as its local president - and the NAMAWU-PAFLU. Lakas ng Manggagawang Makabayan (ALU) won. Consequently, the company and Lakas ng Manggagawang Makabayan (ALU) executed in printed form on November 13, 1967 a collective bargaining agreement effective November 1, 1967.

Came the motion to dismiss filed by defendants-appellees. Their ground is that the present case is now moot and academic. Appellants' opposition accept the factual averments as, to the certification election and the collective bargaining agreement of November 13, 1967 just mentioned. They however claim that this appeal should be

resolved on the merits, primarily and amongst others, to enable this Court to rule on whether or not a court of first instance has jurisdiction over matters involving the internal organization of labor unions.

There is no merit in the opposition. Since the case has become moot and academic, it would serve no useful purpose to pass upon the questions raised in the appeal.

We accordingly dismiss the present case.

Without costs.

SO ORDERED.

Concepcion, C.J., Reyes, Dizon, Makalintal, Zaldivar, Castro, Angeles and Fernando, JJ., concur.

[1] Civil Case No. 266-7581.

[2] Record on Appeal, p. 173.

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