

BENGUET CONSOLIDATED UNIONS COUNCIL, PETITIONER, VS. THE COURT OF INDUSTRIAL RELATIONS, ET AL., RESPONDENTS.*G.R. Nos. L-13129 and L-13179-80. August 31, 1960*

Ponente: BAUTISTA ANGELO, J.

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This is an appeal from an order of the Court of Industrial Relations dated September 23, 1957 and its subsequent resolution dated October 18, 1957 denying the consolidated amended petition of petitioner on the ground that it is unmeritorious.

It appears that on May 29, 1956, the Court of Industrial Relations issued an order directing the holding of a certification election in Cases Nos. 228-MC, 231-MC and 235-MC, and declaring as appropriate bargaining units the following: the Acupan Mine Camp, Balatoc Camp, Irisan Lime Quarry, Bobok Timber Project, and the Antamok Camp. In this election, Benguet-Balatoc Workers Union and the United Workers Unions were allowed to participate in all the five units. This order was affirmed by the court en banc, but the companies concerned having appealed to this Court (G. R. Nos. L-11029 and L-11065), the industrial court ordered the suspension of the certification election until final determination of the appeal.

Pending disposition of this appeal which raises the only issue of whether there should be five appropriate bargaining units or only one, the Benguet Consolidated Unions Council, petitioner herein, filed with the industrial court on June 10, 1957, a consolidated amended petition praying that it be allowed to participate in the certification election in the sense that if the Supreme Court should resolve that only one collective bargaining unit should be the subject of certification, petitioner shall be allowed to participate in the election, and if this Court should rule on the propriety of five bargaining units, it shall be allowed to participate through its local unions, namely, the Antamok Workers Union, the Acupan Mine Workers Union, the Balatoc Labor Union. After respondents had filed their respective oppositions, the industrial court issued an order on September 23, 1957 denying petitioner's petition. Its motion for reconsideration having been denied, petitioner now comes before this Court by way of certiorari praying that it be allowed to participate in the certification election.

Without going into the merits of the issues raised by petitioner, we are constrained to dismiss the petition for having become moot or academic. It should be noted that the appeal interposed from the order of the industrial court of May 29, 1956, which was docketed by this Court as G. R. Nos. L-11029 and L-11065, was disposed of by us in our decision of May 23, 1958 affirming the aforesaid order. And this Court having denied the writ of preliminary injunction asked for by petitioner to hold in abeyance the certification election, the same was held on November 3, 1958 without petitioner's participation in the election. Since the relief sought by petitioner in the instant case is to be allowed to take part in the certification election and the same was already held without petitioner's participation, the main issue raised in this appeal has become moot or academic.

With regard to petitioner's claim that the industrial court erred in not allowing it to participate in the certification election ordered on May 29, 1956 to be held among the employees and workers of the Benguet Consolidated, Inc.

and the Balatoc Company, this much can be said: It does not appear clear the nature of petitioner's organization. On one hand, there is a claim that petitioner is not a legitimate organization of employees but merely a conglomeration of different labor unions which are already represented in the certification election, in which case petitioner has really no legal standing for there is nothing to indicate that said unions expressed their desire to be represented by petitioner.

On the other hand, it would appear, as found by the industrial court, that petitioner is composed of employees and workers of the Benguet-Balatoc Workers Union which is one of those authorized by said court to take part in the certification election, and there is no showing that the employees or workers affiliated in both unions have indicated their choice as to which of the two should be their representative. On this point, the industrial court made the following comment: "The extent of the membership of the petitioner as to whether or not it commands the requisite 10% of the entire employees for its following is not also shown. It should be remembered at this juncture, that the Benguet-Balatoc Workers Union has already been given a place in the ballot as one of the unions to be voted for in certification election. The situation that confronts the Court, therefore, is one where two unions claim the same membership which, properly speaking, is simply an internal or 'jurisdictional' affair which should not involve the other unions in the case at bar. * * * Unfortunately, petitioner failed to satisfy the Court that it has a better right over the latter Union."

It appearing that petitioner and another union of the same company bear almost the same membership, the question as to which of the two should be given the right of representation is indeed an internal affair which should be decided by the Workers affiliated with both unions, as found by the industrial court.

In a case involving a similar question, the National Labor Relations Board of the United States, which is the counterpart of our industrial court in this jurisdiction, made the following pronouncement:

"The course and conduct of the future bargaining of the Alcoa Union is thus bound up with the question of who shall speak for that Union. The real question is therefore who represents and speaks for the Alcoa Union and not whether that Union represents a majority of the employees at Alcoa. The Board feels that the question is not for it to decide. Such a question, involving solely and in a peculiar fashion the internal affairs of the American Federation of Labor and its chartered bodies, can best be decided by the parties themselves. The availability of the Board as a convenient forum for the airing of such problems would induce the parties to present them to the Board without first having made any real attempt to compose their differences among themselves. The consequent accumulation of cases on its docket would considerably hamper the work of the Board. Nor do we feel that the petitioner itself after a full consideration of the implications of its request would desire the Board to pass judgment upon such matters." (In the Matter of Aluminum Company of America and Aluminum Workers Union No. 19104, decided April 10, 1936, Decisions and Orders of the National Labor Relations Board, Vol. I, December 7, 1935 to July 1, 1936, pp. 530, 537.)

Wherefore, the order of the industrial court dated September 23, 1957 is hereby affirmed, with costs against petitioner.

Paras, C. J., Bengzon, Padilla, Labrador, Concepcion, Reyes, J. B. L., and Barrera, JJ., concur.
Gutierrez David, J., took no part.

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