

PHILIPPINE ASSOCIATION OF FREE LABOR UNIONS (PAFLU), PETITIONER, VS. THE DIRECTOR OF THE BUREAU OF LABOR RELATIONS, ET AL., RESPONDENTS.

G.R. No. L-23082. April 29, 1966

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

On February 18, 1964, the Philippine Association of Free Labor Unions (PAFLU) filed a petition for certification election with the Court of Industrial Relations praying, among other things, that a certification election be conducted among the supervisory personnel and employees of the La Carlota Sugar Central to determine which labor union represents the majority of the members in the supervisory bargaining unit therein.

After due notice and hearing the Court of Industrial Relations granted the petition in an order issued on April 13, 1964 wherein it specified the supervisors and employees who may take part in the certification election.

Within the period of five days after receipt of a copy of the order mentioned in the preceding paragraph, the union filed a motion for reconsideration praying for the correction of the aforesaid order to include therein the list of laborers contained in an exhibit submitted by said union who should also take part in the certification election but which list, through an oversight, was omitted from the order.

Pursuant to the order of the Court of Industrial Relations, the Director of Labor sent notifications to all parties concerned regarding the holding of the certification set for June 29, 1964, but as its motion for correction has not yet been acted upon due to the insufficient number of judges composing the industrial court to constitute a quorum of at least three out of five that forms its membership, the union filed with said court on June 18, 1964, or ten days before the date set for the holding of the certification election, an urgent motion to suspend the election in order that its motion for correction may be properly acted upon. However, this motion could not also be acted upon for the same reason above adverted to relative to the insufficient membership of the industrial court.

And considering that the Director of Labor will proceed with the certification election as scheduled on June 29, 1964 unless an order be issued suspending the same and this cannot be issued for the reason abovementioned, the union found no other alternative than to interpose the present petition for prohibition with preliminary injunction in order that said certification election may be suspended until after its motion for correction and suspension shall have been acted upon.

This Court gave due course to the petition but declined to grant the writ of preliminary injunction prayed for. Respondent Director of Labor failed to file an answer, and the parties failed to file any brief. When this case was called for hearing on September 23, 1964, none of the parties appeared.

It appearing that the certification election authorized by the Court of Industrial Relations was set for June 29, 1964 and the time that had elapsed since then is nearly two years, there is every reason to believe that said election has been held as scheduled in view of the refusal of this Court to issue the injunction prayed for in the

petition. Consequently, this petition may now be dismissed as academic or for lack of justiciable controversy.

Wherefore, petition is dismissed. No costs.

Bengzon, C.J., Concepcion, Reyes, J.B.L., Barrera, Dizon, Regala, Makalintal, and Sanchez, JJ., concur.

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