

NATIONAL UNION OF GARMENT TEXTILE CORDAGE AND GENERAL WORKERS OF THE PHILIPPINES (GATCORD), PETITIONER, VS. MINISTRY OF LABOR, BUREAU OF LABOR RELATIONS, GELMART INDUSTRIES, INC...

G.R. No. 50336. July 05, 1985

Ponente: CUEVAS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-50336/>

CUEVAS, J.:

Alleging that respondent Bureau of Labor Relations, Ministry of Labor, acted without or in excess of jurisdiction, or with grave abuse of discretion amounting to lack of jurisdiction in issuing its Resolution[1] dated February 16, 1979 in BLR Case No. A-1347-79(1), which denied the appeal[2] of petitioner National Union of Garment, Textile Cordage & General Workers of the Philippines (GATCORD) from the Resolution[3] of Med-Arbiter Atty. Edgardo de la Cruz directing the holding of a certification election, petitioner filed on April 10, 1979 the instant petition[4] for Certiorari with Preliminary Injunction praying that the Resolution of respondent Bureau of Labor dated February 16, 1979 as well as its Resolution[5] dated March 14, 1979 denying petitioner's motion for reconsideration, be declared null and void and that pending resolution of this petition on the merits, a writ of preliminary injunction be immediately issued enjoining respondent Bureau of Labor Relations from implementing the aforementioned assailed Resolutions.

The following are the pertinent background facts.

On October 15, 1978, the rank and file workers of respondent Gelmart Industries (Phils.) Inc. disaffiliated and withdrew their membership from petitioner National Union of Garment Textile Cordage & General Workers of the Philippines (GATCORD), heretofore referred to as petitioner union, and organized Bagong Pilipino Gelmart Workers (respondent BPGWU, for short). Subsequently, BPGWU applied for registration as a labor union with the Ministry of Labor and was correspondingly issued a certificate of registration on October 24, 1978.

On December 6, 1978, respondent Trade Unions of the Philippines and Allied Services (respondent TUPAS, for short), filed a petition for certification election[6] to determine the sole and exclusive bargaining representative of the regular workers in the rank and file unit of Gelmart Industries, Inc., hereinafter referred to as respondent company.

On December 13, 1979, petitioner union filed a complaint for unfair labor practice (for company domination) against respondent BPGWU and respondent company with the Ministry of Labor, which was docketed as R4-LRD-M-12-577-78 (AB-2-795-79).

On December 19, 1979, respondent BPGWU filed a petition for direct certification with the Ministry of Labor[7] which was later on treated by respondent Bureau of Labor Relations as an intervention in the TUPAS' petition earlier filed.

Respondent National Federation of Labor Union (NAFLU, for short) filed a motion for intervention[8] on

December 27, 1978.

On January 11, 1979, Med-Arbiter Edgardo de la Cruz of Regional Office No. IV, Ministry of Labor issued a Resolution[9] in Case No. R4-LRD-M-12-564-78, the dispositive portion of which reads —

"WHEREFORE, a certification election is hereby ordered within 20 days from receipt of this resolution by the parties. A pre-election conference is to be held in this office to thresh out the mechanics of the election. The contending parties are —

1. Trade Union of the Philippines and Allied Workers (TUPAS)
2. National Union of Garment, Textile, Cordage and Allied Workers of the Philippines (GATCORD)
3. Bagong Pilipino Gelmart Workers Union (BPGWU)
4. National Federation of Labor Union (NAFLU)
5. No union.

SO ORDERED."

On January 20, 1979 the Federation of Free Workers (FFW) filed an Urgent Motion for Intervention[10] praying that it be included as a participating union in the certification election.

Petitioner union appealed[11] from the said Resolution of Med-Arbiter de la Cruz dated January 11, 1979, objecting to the inclusion of respondent BPGWU as one of the contending parties in the ordered certification election because of the pending case for unfair labor practice.

On February 16, 1979, respondent Bureau of Labor Relations issued its now assailed Resolution denying the appeal of petitioner union and ordering the inclusion of respondent FFW as additional contending union in the certification election.

Petitioner union's motion for reconsideration having been denied, it now come to Us thru the instant petition with prayers as herein earlier stated.

The instant petition is predicated on the alleged unfair labor practice charge filed against respondent company and respondent BPGWU for being a "company dominated union". Petitioner objected to the holding of a certification election until and after respondent BPGWU shall have been cleared of the unfair labor practice charge arguing that "such charge of company domination is a prejudicial question that until decided shall suspend or bar proceedings for certification election."

The issue has now become moot and academic. The records show that the unfair labor practice charge against respondent BPGWU and respondent company had already been dismissed, as per the decision[12] of Labor Arbiter Ernilo V. Peñalosa dated April 25, 1979. Petitioner union did not appeal from the said decision. Consequently, the same is now final.

On the matter of the certification election sought to be stopped or prevented thru the petition at bar, the records likewise disclosed that said "certification election" is now a *fait accompli*. It was held on May 10, 1979 and respondent BPGWU garnered a great majority of the valid votes cast by the regular rank and file workers. Conformably, in the order dated May 16, 1979 issued by Med-Arbiter Edgardo de la Cruz, respondent BPGWU has been certified as the sole and exclusive bargaining agent of all the regular rank and file workers of respondent company.[13] In fact on December 13, 1979, respondent BPGWU and respondent company signed a 3-year Collective Bargaining Agreement which expired on December 31, 1982.[14]

In the light of the foregoing circumstances, the instant petition will no longer serve any useful purpose as respondent BPGWU had already been certified by the Bureau of Labor Relations as the sole and exclusive bargaining agent in the certification election held wayback on May 10, 1979. It is a settled rule that a court will not determine moot questions or abstract proposition, nor express an opinion in a case in which no practical relief can be granted.[15]

WHEREFORE, the petition is hereby DISMISSED for being moot and academic. No costs.

SO ORDERED.

Makasiar, (Chairman), Concepcion, Jr., Abad Santos, and Escolin, JJ., concur.

Aquino, J., in the result.

[1] Annex "H", Petition, pp. 51-55, Rollo.

[2] Annex "G", Petition, pp. 40-50, Rollo.

[3] Annex "E", Petition, pp. 31-36, Rollo.

[4] PP. 2-7, Rollo.

[5] Annex "J-1", Petition, pp. 61-62, Rollo.

[6] Case No. R4-LRD-M-12-564-78.

[7] Case No. R4-LRD-12-584-78.

[8] Annex "C", Petition, pp. 18-19, Rollo.

[9] Annex "E", Petition, pp. 24-26, Rollo.

[10] Annex "F", Petition, pp. 37-39, Rollo.

[11] Annex "G", Petition, pp. 40-50, Rollo.

[12] Annex "A" of respondent BPGWU's Comment to the Petition dated May 31, 1979.

[13] Annex "A" to respondent BPGWU's Supplemental Comment and/or Manifestation and Motion dated February 23, 1980.

[14] Annex "B" of respondent BPGWU's Supplemental Comment and/or Manifestation and Motion dated February 23, 1980.

[15] Emilio Bongat, et al vs. Bureau of Labor Relations, et al., G.R. No. 41039, April 30, 1985.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.