

**HONESTO B. VILLAROSA, RODOLFO VALLEJO, MARIO NOCUM,
ALFREDO DE LA CRUZ, CRISOSTOMO SALVADOR, LUCY HERMOSA,
RICARDO SAHAGUN, OSCAR BINSOL, REY YABUT, LUIS TUBERA,
NINIO ARRIOLA, ...**

G.R. No. 73679. July 23, 1992

Ponente: NOCON, J.

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NOCON, J.:

This is a petition for certiorari with a prayer for a writ of preliminary injunction filed by petitioners, Honesto Villarosa, et al., seeking the annulment of (1) the Order of December 5, 1985 and the Resolution of January 3, 1986 which decreed the holding of the election for officers of the Ilaw at Buklod ng Manggagawa (IBM) Labor Union on December 6, 1985 and (2) the results of said election wherein private respondents, Edilberto Galvez, et al., were proclaimed winners and praying that another election be held if the proclamation of petitioners as duly elected officers would not be feasible.

The facts of this case as succinctly summarized by the Solicitor General are:

"On October 29, 1985, BLR Case No. A-7-160-85, an appealed case involving three (3) consolidated intra-union conflict cases, for violation of respondent union's constitution and by-laws, was decided by public respondent Director of the Bureau of Labor Relations, the dispositive portion of his Resolution, among others, states:

'WHEREFORE, and in the interest of fair play, the appealed Order is hereby set aside and a new one entered in the following tenor -

x x x x x

6) Ordering a general election of officers of IBM within ten (10) working days from receipt of this Decision, the necessary expenses for which shall be applied to the union funds in deposit.

The Labor Organization Division, this Bureau, shall conduct the holding of the election and shall hold pre-election conference as may be necessary to thresh out the mechanics of the election.

SO ORDERED.'

"In compliance with the aforementioned order, the Bureau of Labor Relations headed by Mrs. Margarita Enriquez conducted a pre--election conference on November 11, 1985, where the parties agreed to set the date of election on November 29, 1985, the last day of the filing of certificates of candidacy on or before November 22, 1985, and for the management of San Miguel Corporation (SMC for short) to submit a list of union members based on the October 31, 1985 payroll on November 19, 1985.

"On November 19, 1985, the list of qualified voters as agreed upon was submitted by the SMC, copy furnished the contending parties. The parties likewise approved the Rules and Regulations prepared by BLR COMELEC

to govern the conduct of the local election. Another pre-election conference was set on November 22, 1985 for the inclusion and exclusion of voters as well as the submission of the names of the union members inadvertently omitted from the list submitted by the management.

"On November 22, 1985, the date agreed upon by the contending parties as the last day for the filing of certificates of candidacy as well as the inclusion and exclusion of employees participating in the local election, the parties again agreed to re-set the election date to November 29, 1985.

"On November 25, 1985, petitioner Villarosa filed a motion and/or petition to disqualify the ticket headed by private respondent Edilberto Galvez from participating as candidates in the election of officers of the Ilaw at Buklod Ng Manggagawa (IBM) because being officers/members of a rival union, their participation constituted an act of disloyalty, disqualifying them from competing under the union's constitution and by-laws.

"On November 26, 1985, petitioner filed a motion for deferment of the scheduled election on November 29, 1985, until the charge of disloyalty against Edilberto Galvez and others was resolved.

"In their opposition, private respondent Galvez and his group sought the dismissal of the aforementioned twin motions to disqualify and to defer the scheduled election for having been filed out of time as the last day for the filing of the certificates of candidacy and inclusion and exclusion of employees participating in the election was on November 22, 1985. As to the charge of disloyalty, they maintained that public respondent Bureau of Labor Relations had no jurisdiction to rule on the issue as it was the National Council of the union which had the power to hear and decide intra-union problems of this nature. At any rate, it was stressed that no act of disloyalty was committed when Galvez organized BLM, a rival union, considering that the Labor Code allows workers to form or join any organization of their choice during the freedom period.

"In the pre-election conference on November 26, 1985, the parties, nevertheless, agreed to re-schedule the holding of the election to December 6, 1985.

"On December 5, 1985, respondent Bureau of Labor Relations issued an order resolving the twin motions, the dispositive portion of which states:

'A perusal of the present motion, as well as the argument presented in support thereof, shows that the ground relied upon by movant to disqualify Galvez, et al., is not among those enumerated in the union constitution and by-laws, and therefore said motions have no basis to stand on.

'At any rate, if indeed Edilberto Galvez, et al., committed acts of disloyalty which had undermined the principles and objectives of IBM, such question can be passed upon by the general membership in the election without prejudice to ventilation and resolution of the issue in accordance with the union constitution and by-laws.

'IN VIEW THEREOF, and as above qualified, the present motions are hereby denied for lack of merit. Let the election of officers of Ilaw at Buklod Ng Manggagawa (IBM) set on December 6, 1985 proceed as scheduled.'

"On December 6, 1985, the election proceeded and was supervised by the respondent Bureau of Labor Relations. The results were:

For National President:

Galvez, Edilberto B. - 1,422

Villarosa, Honesto B. 568

Villarante, Carlos 331

"For membership in the Executive Board, private respondents Severino O. Meron, Renato L. Regala, Venancio C. Teodoro, Jose B. Padilla, Moises Dayao, Morato Flores, Manuel Salingana, Nehemias Marquez, Alfredo

Calameda, and Dionisio Oledan likewise won in the election.

"On December 10, 1985, petitioners filed a motion for reconsideration of the order dated December 5, 1985, denying the twin motions to disqualify and to defer the scheduled election. On the same date, petitioners also filed an 'IBM Election Protest and Motion for Reconsideration' (dated December 10, 1985) on the results of the December 6, 1985 IBM election of officers. They reiterate their stand that the elected candidates belonging to the Buklod at Lakas Ng Manggagawa (BLM) are not members of good standing of the IBM since they had committed acts of disloyalty by organizing the BLM and competing against IBM on the certification election held in 1980 and 1983.

"On December 16, 1985, private respondents Edilberto Galvez and others filed an 'Opposition/Motion to Dismiss' to petitioners' election protest and motion for reconsideration.

"On January 3, 1986, public respondent dismissed the petitioners' election protest and motion for reconsideration of the Order of December 5, 1985, the dispositive portion of the order of dismissal is as follows:

'WHEREFORE, the election protests and motion for reconsideration of the Order of December 5, 1985, are hereby dismissed for lack of merit. Let the necessary amount be released to the outgoing set of officers by the National Capital Region from the union dues and agency fees deposited therein to defray the operational expenses of the union including the salaries or allowances of union officers entitled thereto from the period the deposit commenced and until 31 December 1985. All expenditures and disbursements by virtue of such a release shall be accounted for to this Office.'

"On January 10, 1986, petitioners filed an unsigned motion for reconsideration of the aforementioned decision of public respondent/

"In a Resolution dated January 31, 1986, respondent Director of the Bureau of Labor Relations denied the petitioners' motion for reconsideration and proclaimed private respondents headed by Edilberto Galvez as the duly elected officers of IBM union. The dispositive portion of the Resolution reads as follows:

'WHEREFORE, the Order dated January 1986 is hereby affirmed. Accordingly, Edilberto Galvez and all who won in the election conducted on 6 December 1985 are hereby proclaimed duly elected officers of the Ilaw at Buklod ng Manggagawa (IBM).'

"Hence, this petition."[1]

We gave due course to this petition on April 12, 1988[2] but petitioners' prayer for a writ of preliminary injunction was not granted.[3]

The Labor Code then enforced in 1985 mandates that members of a labor organization shall elect their officers by secret ballot at intervals of not more than three (3) years.[4]

The election being contested was held December 6, 1985. Three (3) years hence, another election should have been held on December 6, 1988 as this Court did not restrain the public respondent and respondent corporation from recognizing the assumption of the private respondents as duly elected officers of the IBM labor union. Another three (3) years thereafter, another election should have been held on December 6, 1991 in accordance with law.[5]

After a careful consideration of the facts of this case, We are of the considered view that the expiration of the tenure of the private respondents by operation of law – 3 years after the disputed election on or around December 6, 1988 – have rendered the issues raised by petitioners moot and academic.

And even if, by chance, these same private respondents had been elected to the same offices on or around December 6, 1988, then the terms would have expired on or around December 6, 1991.

This Court ruled recently that:

"xxx xxx xxx. It is pointless and unrealistic to insist on annulling an election of officers whose terms had already expired. We would have thereby a judgment on a matter which cannot have any practical legal effect upon a controversy, even if existing, and which, in the nature of things, cannot be enforced. We must consequently abide by our consistent ruling that where certain events or circumstances have taken place during the pendency of the case which would render the case moot and academic, the petition should be dismissed." [6]

At this junction, it would be appropriate to remind petitioners that even if the disqualification of private respondents could be justified, the petitioners certainly cannot be declared winners in the disputed election. The mere fact that petitioner Villarosa obtained the second highest number of votes does not mean that he will thereby be considered as the elected IBM Labor Union President if private respondent is disqualified. [7]

Accordingly, this case is DISMISSED for being moot and academic.

SO ORDERED.

Narvasa, C.J., (Chairman), and Regalado, J., concur.

Padilla, J., no part, in view of equity interest in private co-respondent SMC.

[1] Rollo, pp. 137-142.

[2] Rollo, p. 173.

[3] Ibid, pp. 110, 173.

[4] Article 242. Rights and conditions of membership in a labor organization. – x x x

(c) The members shall elect their officers by secret ballot at intervals of not more than three (3) years. x x x" [Labor Code PD 442, as amended (1986)]

[5] R.A. 6715, approved March 2, 1989 and effective March 21, 1989 deleted above quoted Article 242(c). On the representation aspect, the following was incorporated:

"SEC. 21. There shall be incorporated after Article 253 of the same Code a new article which shall read as follows:

‘ART. 253-A. Terms of a Collective Bargaining Agreement. - Any Collective Bargaining Agreement that the parties may enter into shall, insofar as the representation aspect is concerned, be for a term of five (5) years. No petition questioning the majority status of the incumbent bargaining agent shall be entertained and no certification election shall be conducted by the Department of Labor and Employment outside of the sixty-day period immediately before the date of expiry of such five year term of the Collective Bargaining Agreement. All other provisions of the Collective Bargaining Agreement shall be renegotiated not later than three (3) years after its execution. x x x.' "

Thus, in the petition at bar, after the certification election on or around December 6, 1991, the next certification election would be held on or around December 6, 1996.

[6] Manalad vs. Trajano, 174 SCRA 328.

[7] Ibid, p. 329.

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