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SECOND DIVISION

[G.R. No. L-33324. June 16, 1978]

ASSOCIATED TRADE UNIONS (ATU), *petitioner, vs.* **COURT OF INDUSTRIAL RELATIONS, CHUA KIONG, doing business under the firm name and style of C. K. BAGOONG FACTORY, and FEDERATION OF UNIONS OF RIZAL (FUR),** *respondents.*

SYLLABUS

REMEDIAL LAW; SPECIAL CIVIL ACTIONS; PROHIBITION; WITH THE FILING OF JOINT MOTION TO DISMISS, THE ACTION HAD BECOME MOOT AND ACADEMIC.— The prayer was for the dismissal of the case as the same had become moot and academic. While private respondent Federation of Unions of Rizal did not file a responsive pleading to the resolution of this Court of April 25, 1978, its failure to do so does not alter the situation as petitioner itself had sought for the dismissal of this action. Moreover, in the memoranda in lieu of oral argument, submitted by such respondent, it expressly prayed that the petition be dismissed.

R E S O L U T I O N

FERNANDO, ***Acting C.J.*****:**

In this prohibition proceeding, petitioner Associated Trade Unions sought to enjoin the then existing Court of Industrial Relations from conducting a certification election case on the ground of the pendency with the same tribunal of an unfair labor practice complaint. In the answer of private respondent Chua Kiong, doing business under the firm name and style of C. K. *Bagoong* Factory, the employer concerned, he alleged that due to the conflicting claims of majority representation by petitioner union and the other private respondent, Federation of Unions of Rizal, he filed with respondent Court a petition

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for certification election to determine which of said two unions should be the exclusive collective bargaining representative. He further pointed out that he had no preference as to which of said contending labor unions should be designated as the sole bargaining representative and that he was ready and willing to negotiate with the labor unions thus chosen after a certification was held.

Thereafter, the case was set further for oral argument with petitioner being represented but with respondents filing a motion to file memoranda in lieu of oral arguments. In due time, private respondent Chua Kiong, as well as private respondent Federation of Unions of Rizal, did submit their respective memoranda. No reply memorandum was submitted by petitioner. It was sometime later that the case was deemed submitted for decision.

On April 25, 1978, this Court issued a Minute Resolution requiring the parties to inform this Tribunal as to whether or not the issues raised in this prohibition proceeding had become moot and academic. Then came on May 10, 1978, this joint motion to dismiss filed by petitioner Union as well as respondent Chua Kiong, doing business as the C. K. Bagoong Factory, worded thus: "1. That Associated Trade Unions (ATU) is the petitioner union in the above entitled case; while respondent C. K. *Bagoong* Factory is the employer involved in the certification election case, and from which proceeding, this case arose; 2. That *under date of April 25, 1978*, a minute-resolution was issued by this Honorable Court, which states, that: 'This Court, after going over the records of this petition for a writ of prohibition, Resolved to require the parties within ten (10) days from receipt of this resolution to INFORM this Tribunal as to whether or not the issues raised therein had become moot and academic.' 3. That considering the abolition of the respondent CIR and the drastic changes in our law on labor relations, the issues raised in the above entitled case, indeed, had become moot and academic. Consequently, there is no longer any need to further resolve the issues raised in this case."[1]

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[1] Joint Motion to Dismiss dated May 5, 1978, 1.

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The prayer was for the dismissal of the case as the same had become moot and academic. While private respondent Federation of Unions of Rizal did not file a responsive pleading to the resolution of this Court of April 25, 1978, its failure to do so does not alter the situation as petitioner itself had sought for the dismissal of this action. Moreover, in the memoranda in lieu of oral argument, submitted by such respondent, it expressly prayed that the petition be dismissed.

WHEREFORE, this petition for prohibition is dismissed for being moot and academic.

Barredo, Antonio, Aquino, and *Santos, JJ.*, concur.

Concepcion, Jr., J., is on leave.

SECOND DIVISION

[G.R. No. L-45121 and L-45122. June 16, 1978]

ROSARIO P. ARCEO, *petitioner, vs.* **HON. NARCISO A. AQUINO, Judge of the Court of First Instance of Pangasinan, Branch XIV at Rosales, and ANICETO SANDOVAL,** *respondents.*

SYLLABUS

REMEDIAL LAW; SPECIAL CIVIL ACTIONS; *CERTIORARI* AND PROHIBITION; BECOMES MOOT AND ACADEMIC WHEN THE APPLICATION OF RESPONDENT JUDGE FOR DISABILITY RETIREMENT WAS APPROVED.— These two cases were pending decision when the application of respondent Judge for disability retirement was approved effective on February 23, 1978 (See Resolution of that date in Administrative Matter No. 692-Ret.). Inasmuch as that supervening fact had rendered these two cases moot and academic, the same are dismissed and considered closed.