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SECOND DIVISION

[G.R. No. L-30961. January 29, 1975]

DBP EMPLOYEES UNION-NATU, *petitioner, vs.* **DEVELOPMENT BANK OF THE PHILIPPINES and COURT OF INDUSTRIAL RELATIONS,** *respondents.*

SYLLABUS

REMEDIAL LAW; ACTIONS; WHEN AN ACTION IS CONSIDERED MOOT AND ACADEMIC.— The legal situation has radically changed since this case was submitted for decision. There is a new Labor Code. The Court of Industrial Relations was therein abolished, a National Labor Relations Commission taking its place. What is more, there is no mention of any executive certification of labor disputes to such an agency. Under the circumstances, whatever decision that will be rendered by this Court would be characterized by its rather academic character. A ruling on the merits appears unnecessary and inadvisable. At most, it will be in the nature of an advisory opinion.

RESOLUTION

FERNANDO, *J.:*

The question raised in this petition is not devoid of significance. Petitioner labor Union would put in issue the validity of an actuation of the President withdrawing the certification of a labor dispute to respondent Court of Industrial Relations.[1] In its view, once the matter has been referred by the President to such tribunal, then it should be left free to settle the dispute under its authority of compulsory arbitration. Such is not the case at all as contended by respondents. They would rely on the broad executive power vested by the Constitution in the President of the Philippines.[2]

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[1] The other respondent is the Development Bank of the Philippines.

[2] Cf. Article VII of the 1935 Constitution.

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Implicit therein, so it is argued, is the authority to withdraw a certification of a labor dispute for under the Industrial Peace Act,[3] the jurisdiction of respondent Court as an agency for compulsory arbitration was considerably curtailed. Their submission then was that the presidential power to certify carries with it the power to withdraw as part of his constitutional function to see to the effective implementation of any statute. Willoughby on the Constitution was cited in support of such a stand.[4]

The legal situation has radically changed since this case was submitted for decision. There is a new Labor Code.[5] The Court of Industrial Relations was therein abolished, a National Labor Relations Commission taking its place. What is more, there is no mention of any executive certification of labor disputes to such an agency. Under the circumstances, whatever decision that will be rendered by this Court would be characterized by its rather academic character. A ruling on the merits appears unnecessary and inadvisable. At most, it will be in the nature of an advisory opinion.

WHEREFORE, this petition is dismissed for being moot and academic. No costs.

Makalintal, C.J., Barredo, Fernandez, and *Aquino, JJ.,* concur.

Antonio, J., is on sick leave.

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[3] Republic Act No. 875 (1953).

[4] 3 Willoughby 1487 (1929).

[5] Presidential Decree No. 442 (1974).