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may hear anew petitioners' motion for new trial and to resolve the issue accordingly on the basis of the evidence. No special pronouncement as to costs.

Fernando (Chairman), Barredo, Aquino, and *Concepcion, Jr. JJ.,* concur.

SECOND DIVISION

[G.R. No. L-43731. October 5, 1976]

STATION DYRH, *petitioner, vs.* **CARMELO NORIEL, Director, Bureau of Labor Relations, Manila, FELIZARDO BATERBONIA, Assistant Regional Director, Department of Labor, Sub-Regional Office No. VI, Bacolod City and the CONFEDERATION OF UNIONS OF NEGROS OCCIDENTAL (CUNO),** *respondents.*

SYLLABUS

LABOR AND SOCIAL LEGISLATION; LABOR RELATIONS; RIGHT OF EMPLOYEES TO BE REPRESENTED BY A COLLECTIVE BARGAINING, MUST BE FULLY RESPECTED.— After two motions for extension were filed by public respondents, they submitted, instead of a comment, the following manifestation: "[Come now] public respondents, through undersigned counsel, and to thru Honorable Court respectfully submit the following manifestation in lieu of the required comment. As pointed out by Assistant Solicitor General Reynato S. Puno and Solicitor Ramon A. Barcelona on behalf of public respondents, with the cancellation of the certificate of registration of private respondent having been affirmed, the basic issue raised in the petition, has indeed "become moot and academic." It is noteworthy likewise that private respondent did not even bother to comment. Under

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the circumstances, no purpose would he served in ruling on the specific question raised. It must be made clear, however, that whatever rights the employees of petitioner possess under the Labor Code, to be represented by a collective bargaining representative of their own choice in the negotiation for a collective bargaining contract, must be fully respected.

RESOLUTION

FERNANDO, *J.*:

This petition against respondent public officials,[1] as well as respondent Confederation of Unions of Negroes Occidental (CUNO), while labeled solely as one of *certiorari*, partakes likewise of the nature of a suit for *mandamus* to compel respondent Director Noriel to act on the appeal of private respondent from an order of a med-arbiter, one Manuel M. Apostol, denying the right of private respondent to represent the employees of petitioner in view of its certification to act as a labor contractor having been cancelled. Petitioner alleged that during the pendency of such appeal, a certification election was ordered by respondent Noriel. It therefore prayed for the issuance of a restraining order. Accordingly, in a resolution of May 12, 1976, this Court, without giving due course to the petition, required public respondents to comment and further issued a temporary restraining order.

After two motions for extension were filed by public respondents, they submitted, instead of a comment, the following manifestation: "[Come now] public respondents, through undersigned counsel, and to thru Honorable Court respectfully submit the following manifestation in lieu of the required comment. The reason for this is because developments subsequent to the filing of the instant petition render the sole and principal issue raised therein moot and academic as will hereunder be elaborated

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[1] Carmelo Noriel, Director, Bureau of Labor Relations, Manila; Felizardo Baterbonia, Assistant Regional Director, Department of Labor, Sub-Regional Office No. VI, Bacolod City.

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on. 1. The sole issue presented in the above captioned petition for *certiorari* with preliminary injunction is whether or not respondent Bureau of Labor Relations gravely abused its discretion in ordering the certification election in BLR Case No. 3566-75 considering that the certificate of registration No. 7281-IP of the Confederation of Unions of Negros Occidental (CUNO for brevity), the petitioner for direct certification in the aforesaid BLR case has been cancelled pursuant to an order of the Sub-Regional Office No. VI of the Department of Labor in NLRC Case No. LR-2065-75, which order has been appealed to the BIR as BLR Case No. 1003 and was still pending resolution when the aforesaid order for certification election was issued. 2. It appearing, however, that subsequent to the filing of the instant petition CUNO's appeal in BLR Case No. 1003, anent the cancellation of its Certificate of Registration, has been finally resolved by the respondent Bureau by affirming the order of cancellation, it is evident that the questioned order for certification election has, in effect, been nullified considering that the petitioner Union for direct certification (CUNO) in BLR Case No. 3566-75 has now been finally found to be without legal personality to file the same and there is no other union seeking recognition as representative of the employees in the collective bargaining unit. [In the light of the foregoing], it is respectfully submitted that the sole issue raised in the case at bar has become moot and academic."[2] Petitioner was asked to comment on such manifestation. That it did in a pleading submitted to this Court on September 10, 1976, worded thus: "Petitioner, through counsel, to this Honorable Court, most respectfully submits, that the Bureau of Labor Relations had resolved finally the questions of the cancellation of private respondents registration as contained in paragraph 2 of the manifestation of the Honorable Solicitor General to the effect that such cancellation has been affirmed, thus private respondent, CUNO, having no more personality, and that the questioned order of public respondents for certification election in BLR Case No. 3566-75 has become unenforceable and has no more

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[2] Manifestation of Public Respondents dated August 2, 1976.

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valid effect, therefore the petition may be resolved in the light and on the basis of the aforesaid manifestation of the Honorable Solicitor General."[3]

The resolution of this petition is self-evident. As pointed out by Assistant Solicitor General Reynato S. Puno and Solicitor Ramon A. Barcelona on behalf of public respondents, with the cancellation of the certificate of registration of private respondent having been affirmed, the basic issue raised in the petition, has indeed "become moot and academic." It is noteworthy likewise that private respondent did not even bother to comment. Under the circumstances, no purpose would he served in ruling on the specific question raised. It must be made clear, however, that whatever rights the employees of petitioner possess under the Labor Code, to be represented by a collective bargaining representative of their own choice in the negotiation for a collective bargaining contract, must be fully respected.

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

Barredo, Antonio, Aquino, and *Concepcion, Jr., JJ.,* concur.

EN BANC

[G.R. No. L-44640. October 12, 1976]

PABLO C. SANIDAD and PABLITO V. SANIDAD, *petitioners, vs.* **HONORABLE COMMISSION ON ELECTIONS and HONORABLE NATIONAL TREASURER,** *respondents.*

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[3] Comment dated September 2, 1976.