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SECOND DIVISION

]G. R. Nos. L-39163-64. November 29, 1974]

SUPERBUILT CEMENT PRODUCTS and ARTURO TONGSON, *petitioners, vs.* **COURT OF INDUSTRIAL RELATIONS, DAGUPAN UNITED LABOR UNION, ERNESTO RABANG, PEDRITO BABAS, ELPIDIO ARZADON, DANIEL DELA CRUZ, TIMOTEO AGAM and DOMINADOR ALAGAO, MAXIMO RAPIN, DIONISIO DE VERA, DOMINADOR AMIT, RUDY AMONGOL, DEMETRIO PACACNOT, ROBERTO ROLIOJAY, ROBERTO AMIT, CIPRIANO AMONGOL, LORENZO RABOY, SANTOS AMONGOL, LUIS REGUA and RICARDO RONDARIS,** *respondents.*

SYLLABUS

REMEDIAL LAW; COURTS; COURT OF INDUSTRIAL RELATIONS; JURISDICTION THEREOF TRANSFERRED TO NATIONAL LABOR RELATIONS COMMISSION PURSUANT TO PRESIDENTIAL DECREE NO. 442; CASE AT BAR.— Pursuant to Presidential Decree No. 442, the present Court of Industrial Relations as constituted under existing laws shall be abolished on October 31, 1974. After such time, whatever jurisdiction the law has vested in it shall cease and its functions shall be transferred to the different labor relations machinery created by Presidential Decree 442 otherwise known as the Labor Code, particularly to a new National Labor Relations Commission. Because of these circumstances, the issues raised in this petition, if finally determined, shall become moot and academic. As of November 1, 1974, Presidential Decree No. 442, The New Labor Code of the Philippines, came into force and effect. It is therein explicitly provided: "All cases pending before the Court of Industrial Relations and the National Labor Relations Commission established under Presidential Decree No. 21 at the time of the passage of this Code should be transferred to and processed by the National Labor Relations Commission created under this Code in accordance with the procedure laid down herein."

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RESOLUTION

FERNANDO, *J.*:

Petitioners in this *certiorari* proceeding, filed on August 26, 1974, would have this Court set aside an order dated November 27, 1973,[1] issued by the then Acting Presiding Judge Ansberto Paredes of respondent Court of Industrial Relations, denying their motion to dismiss a complaint against them filed by private respondents[2] on the ground that the matter involved therein, dealing with employer-employee relations, is, under Presidential Decree No. 21, within the original exclusive jurisdiction of the then National Labor Relations Commission. Moreover, there was a previous complaint of a similar nature actually filed, and still pending, with such body. The ground for denying such motion to dismiss was that, as the complaint sought reinstatement with back wages, the respondent court acted in accordance with law. The order now complained of likewise required petitioners to file their answer to such complaint within five days. There was a motion for reconsideration,[3] but it was denied in a resolution of July 16, 1974.[4] It was the view of Judge Paredes that as his previous order was interlocutory in character, an appeal to the respondent Court *en banc* was not allowable.

This Court, in a resolution of August 30, 1974, required respondents to comment. Such comments were duly forthcoming. As could have been expected, private respondents, in their pleading, did stress that the actuation of respondent Court was in accordance with law and established practice. The comments

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[1] Petition, Annex I.

[2] Private respondents are Dagupan United Labor Union, Ernesto Rabang, Pedrito Babas, Elpidio Arzadon, Daniel dela Cruz, Timoteo Agam and Dominador Alagao; Maximo Rapin, Dionisio de Vera, Dominador Amit, Rudy Amongol, Demetrio Pacacnot, Roberto Roliojay, Roberto Amit, Cipriano Amongol, Lorenzo Raboy, Santos Amongol, Luis Regua and Ricardo Rondaris.

[3] *Ibid.*, Annex "J".

[4] *Ibid.*, Annex "K".

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submitted by the counsel for respondent Court, dated September 12, 1974, Francisco M. delos Reyes, viewed the matter differently, and, it may be said, realistically. Thus: "While we feel that the issues raised in this petition do merit a determination by this Honorable Court, and on the part of respondent Court we maintain our jurisdiction based not only on the applicable provisions of law and on principles laid down by this Honorable Court in various cases, we feel that such issues shall become moot and academic by November 1, 1974. Pursuant to Presidential Decree No. 442, the present Court of Industrial Relations as constituted under existing laws shall be abolished on October 31, 1974. After such time, whatever jurisdiction the law has vested in it shall cease and its functions shall be transferred to the different labor relations machinery created by Presidential Decree 442 otherwise known as the Labor Code, particularly to a new National Labor Relations Commission. Because of these circumstances undersigned respectfully submits that considering the proximity of the effectivity of the Labor Code, the issues raised in this petition, if finally determined, shall become moot and academic."[5]

Such an observation elicits approval. As of November 1, 1974, Presidential Decree No. 442, The New Labor Code of the Philippines, came into force and effect. It is therein explicitly provided: "All cases pending before the Court of Industrial Relations and the National Labor Relations Commission established under Presidential Decree No. 21 at the time of the passage of this Code should be transferred to and processed by the National Labor Relations Commission created under this Code in accordance with the procedure laid down herein."[6]

WHEREFORE, with the express abolition of respondent Court of Industrial Relations, and in accordance with the above express provision, this petition is dismissed for being moot and academic.

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

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[5] Comment of September 11, 1974.

[6] Article 338 of the New Labor Code.