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in judging matters of this kind (*People vs. Fausto*, 51 Phil. 852; *People vs. Ramos*, 35 Phil. 671, 676).

In this case, the uncorroborated testimony of the complainant as to the rape is not convincing and trustworthy. Her behavior after the alleged rape was not that of a woman who had suffered a shameful and grievous outrage. (See *People vs. Cueto*, L-46697, August 25, 1978, 84 SCRA 774.)

WHEREFORE, the trial court's judgment is reversed. The accused is acquitted because his guilt was not established beyond reasonable doubt. Costs *de oficio*.

SO ORDERED.

Barredo (Chairman), Antonio, Concepcion Jr., and *Guerrero, JJ.*, concur.

Guerrero, J., was designated to sit in the Second Division.

Santos and *Abad Santos, JJ.*, are abroad.

SECOND DIVISION

[G.R. No. L-25346. August 21, 1979]

UNITED PHILIPPINE LINES, INC., *petitioner, vs.* **HON. ARSENIO I. MARTINEZ, EMILIANO C. TABIGNE, AND AMANDO C. BUGAYONG, Judges of the Court of Industrial Relations and UNITED STEEL WORKERS ASSOCIATION OF THE PHILIPPINES,** *respondents.*

SYLLABUS

REMEDIAL LAW; CIVIL PROCEDURE; APPEAL; APPEAL BY *CERTIORARI*; WHEN MOOT AND ACADEMIC.— When

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coupled with the manifest lack of interest of private respondent United Steel Workers Association of the Philippines, which until now has not been heard from, even petitioner merely assuming it has continued as such when its silence and inactivity could indicate the contrary, this Court does not see any necessity for resolving the issue raised. The fear of petitioner that private respondent would still be considered "as the sole exclusive bargaining agent" would seem to be illusory. What other conclusion can there be in the light of its own admission "that the vessels involved in the case are no longer operated by it." Moreover, no prejudice had been sustained by petitioner as there was a stay of the execution of the order complained of upon petitioner posting a bond of ₱1,000.00. It may further be noted that the question of certification, if it would arise subsequently, would be governed by the present Labor Code.

RESOLUTION

FERNANDO, *C.J.*:

A petition for *certiorari* by way of review by United Philippine Lines, Inc. to nullify an order of the defunct Court of Industrial Relations certifying private respondent United Steel Workers Association of the Philippines as the sole and exclusive bargaining agent, was filed with this Court on the ground of its arbitrariness, there being a complete disregard of material facts and documents which would show that the workers involved were employees of an independent contractor. After the petition was given due course, the brief for petitioner was duly filed. Respondents did not submit any pleading. The period that had lapsed led this Tribunal to issue a resolution requiring the parties to inform the Court as to whether the petition has become moot and academic.

A manifestation was duly filed by petitioner, the first paragraph of which stated that it "is still in the overseas shipping business and still operates one vessel," but the second paragraph admitted that it "no longer operates the vessels involved in the case at the relevant time, (although it) has plans of acquiring, either by

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purchase or charter, other vessels in the future which may require the services of tank cleaners;***."[1] Such admission possesses relevance. When coupled with the manifest lack of interest of private respondent United Steel Workers Association of the Philippines, which until now has not been heard from, even petitioner merely assuming it has continued as such when its silence and inactivity could indicate the contrary, this Court does not see any necessity for resolving the issue raised. The fear of petitioner that private respondent would still be considered "as the sole exclusive bargaining agent" would seem to be illusory. What other conclusion can there be in the light of its own admission "that the vessels involved in the case are no longer operated by it." Moreover, no prejudice had been sustained by petitioner as there was a stay of the execution of the order complained of upon petitioner posting a bond of ₱1,000.00. It may further be noted that the question of certification, if it would arise subsequently, would be governed by the present Labor Code.

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

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

Santos and *Abad Santos, JJ.*, on official leave.

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[1] Manifestation, 1.