

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT
SECOND DIVISION**

**RICARDO R. MANALAD, ALFONSO
ROMERO, MARIO SANTOS, RITCHIE
TUICO, HONORATO K. LEAÑO,
SANTOS B. PUERTO, LEONARDO
NAVARRO, BENJAMIN ERNACIO,
FELIPE BENCITO, GERARDITO
ROXAS, GONZALO RAMOS, FEDERICO
MUÑOZ, PABLO FRANCO and
CONRADO LOPEZ,**

Petitioners,

-versus-

**G.R. Nos. 72772-73
June 28, 1989**

**DIRECTOR CRESENCIANO B.
TRAJANO, PABLO B. BABULA, JULIAN
DUYAG, DOMINADOR JAVIER,
REMIGIO DEL MUNDO, OLMO
MIJARES, RUDY VERGARA, ARTURO
AZARCON, JOSE BINDOY, GERARDO
COMMANDANTE, ROBERTO
BUSTILLOS, PAQUITO BALANDING,
OSCAR FERNANDEZ, and JACK
HUGGINS, JR.,**

Respondents.^[*]

X-----X

DECISION

REGALADO, J.:

The parties herein are employees of United Dockhandlers, Inc. They are members of rival groups in the Associated Port Checkers and Workers' Union (APCWU, for short) in said company, the petitioners' faction being led by petitioner Ricardo R. Manalad, with respondent Pablo B. Babula heading the group of private respondents.

From their submissions, it appears that sometime in 1982, the petitioners were disqualified from running as candidates in the election of APCWU officers by the Med-Arbitrer, which election had theretofore been scheduled for November 17, 1981 but was enjoined and ordered reset.^[1] However, on appeal, said order was set aside by the Director of the Bureau of Labor Relations on October 31, 1984. Thereafter, the election of officers and board members of the union was held on November 26, 1984, with the candidates of the petitioners, that is, Manalad, Leaño and Puerto, winning over those of the private respondents, who were Babula, Mijares and Navarro, for the positions of president, treasurer and auditor, respectively. As a consequence, the latter group filed a petition for review with this Court assailing the aforesaid order of October 31, 1984 of the Bureau of Labor Relations which had declared the aforesaid petitioners eligible to run for said union offices.^[2] This case, entitled "Associated Port Checkers and Workers Union, et al. vs. Ricardo R. Manalad, et al." was docketed as G.R. Nos. 69684-85.

On July 3, 1985, the Court promulgated a resolution therein, which was immediately executory, as follows:

- "1. To DISMISS the petition for lack of merit and to DENY all pending motions incident thereto;
- "2. (a) To DECLARE VACANT all the offices of the Associated Port Checkers and Workers Union, and (b) to ORDER that the petitioners headed by Pablo B. Babula who has held over as acting president since 1981, and all other persons acting as officers of the said union, to cease acting as such upon receipt of this resolution, and to turn over

immediately the management of the union affairs to respondent Director of the Bureau of Labor Relations, who shall act as caretaker until after a new set of union officers shall have been elected and duly qualified as provided in the next succeeding paragraph, and accordingly, (c) to GRANT the motion to transfer the union funds to said respondent Director of the Bureau of Labor Relations as such caretaker, which funds may not be disbursed by him except for urgent union purposes and for necessary expenses of the election and which funds shall be turned over by him to the new set of union officers to be duly elected and qualified, as herein provided; and

- “3. To ORDER the holding of a special election of union officers under the supervision of the National Capital Region Labor Office not later than Saturday, July 20, 1985, which shall be governed by the union’s 1978 Constitution and By-Laws as amended in 1981 (disregarding all subsequent amendments) and the outcome of which shall be immediately certified as to the president and officers of the union who shall forthwith assume and discharge the functions of the respective offices to which they shall have been thus elected.”^[3]

Pursuant thereto, the Director of the Bureau of Labor Relations issued an order on July 10, 1985 to the effect that he was taking over the management of the affairs of said union, ordering private respondents Babula and all other persons to cease acting as officers of the union, and requiring them to turn over the union funds to said director.^[4] Subsequently, the Court’s aforesaid resolution of July 3, 1985 was modified on July 17, 1985 by providing that the special election scheduled on July 20, 1985 shall be held under the personal supervision of respondent Director Trajano, with the assistance of his staff, under the usual rules and applying suppletorily the union’s 1978 constitution and by-laws.^[5]

Meanwhile, on July 13, 1985, a motion was filed by the petitioners with this Court in G.R. No. 69684-85 asking that the private respondents be cited in contempt and for their disqualification from running in the projected special election due to their alleged refusal to

comply with the resolution above quoted.^[6] The petitioner also wrote a letter to the Director on July 18, 1985 objecting to the candidacy of private respondents.^[7]

Nevertheless, the scheduled special election was held resulting in the victory of the candidates of the private respondents. Petitioner then filed a motion with the Court for the annulment of the special election, repeating their allegation that there was non-compliance with the Court's resolution of July 3, 1985 by private respondents.^[8]

On July 26, 1985, respondent Director issued a resolution proclaiming private respondents as the winners in the special election and duly elected officers of APCWU, with the following observation: "The submission that Mr. Babula failed to completely turn over management of the union to the undersigned is within the competence and authority of the Supreme Court to pass upon considering that the mandate for such a turn-over came from the Court."^[9]

Petitioners filed with respondent director a motion for reconsideration on August 2, 1985 seeking he reversal of said resolution of July 26, 1985. This motion having been denied, petitioner filed a second motion for reconsideration on August 28, 1985 but the same was likewise denied on October 14, 1985.^[10]

In the meantime, this Court in a resolution dated September 1, 1985 denied the motion of the petitioner to annul the special election of July 20, 1985, but without prejudice to the filing of a proper petition with the Bureau of Labor Relations.^[11]

The instant petition was thereafter filed, principally praying:

- "1. That the questioned Resolution dated July 26, 1985 (Annex 'A'), Order dated August 19, 1985 (Annex 'B'), and Order dated October 4, 1986 (Annex 'C') of public respondent Cresenciano B. Trajano, Director of Bureau of Labor Relations be reversed and set aside;
- "2. That respondents Pablo B. Babula and his group be disqualified for not complying with the Resolution dated

July 3, 1985 (Annex 'D') of this Honorable Court and the votes cast in their favor in the July 20, 1985 election be invalidated and the candidates who received the next highest number of votes in said election be declared the winner thereof;

- “3. Or in the alternative, that the election held in (sic) July 20, 1985 be annulled and a new election be called three weeks after respondents Pablo Babula, et al. have complied with the conditions imposed by the Resolution dated July 3, 1985 of this Honorable Court and an audit has been made of the different funds of the Union for the year 1985;”^[12]

X X X

We gave due course to this petition on April 9, 1986 but petitioners' motion for a writ of preliminary injunction was denied.^[13]

In an urgent motion, dated November 18, 1987, petitioners prayed that “in the event that they win the present case this Honorable Court upholds the November 24, (sic) 1984 election, the three-year term of office of petitioners should commence only after the finality of the resolution/decision to be rendered in the case at bar; that a restraining order be issued enjoining the holding of the new election of union officers until the final disposition of the instant case so as not to render the issue raised herein moot and academic.”^[14] We denied this motion on May 25, 1988 for lack of merit, considering that “(w)hen this Court, through its First Division called for the holding of special elections of union officers in G.R. Nos. 69684-85, there was an implied nullification of the results of the November 26, 1984 elections. This being the case, and petitioners having participated in the special elections held on July 20, 1985, they cannot now claim a right to the positions under consideration on the basis of said voided November 26, 1984 elections.”^[15]

Meanwhile, the three-year term of the private respondents under the disputed July 20, 1985 elections expired on July 20, 1988, hence We resolved to require the petitioners to show cause why these cases should not be dismissed for being moot and academic. 16 Responding thereto, petitioners reiterated their position stated in

their urgent motion, dated November 27, 1987, that they be declared the winners is said election with their terms of three (3) years to commence from the time they assume office in execution of a final and executory resolution of this Court.^[17] On November 17, 1988, petitioners filed a motion to restrain the holding of a new election of officers of the union scheduled on November 28, 1988. However, before any action could be taken on said motion the election was held as scheduled, hence the petitioner filed a motion, dated December 1, 1988, to annul said election.

After a careful consideration of the facts of this case, We are of the considered view that the expiration of the terms of office of the union officers and the election of officers on November 28, 1988 have rendered the issues raised by petitioners in this case moot and academic. It is pointless and unrealistic to insist on annulling an election of officers whose terms had already expired. We would have thereby a judgment on a matter which cannot have any practical legal effect upon a controversy, even if existing,^[18] and which, in the nature of things, cannot be enforced. We must consequently abide by our consistent ruling that where certain events or circumstances have taken place during the pendency of the case which would render the case moot and academic, the petition should be dismissed.^[19]

Moreover, it is the better part of conventional or pragmatic solutions in cases of this nature, absent overriding considerations to the contrary, to respect the will of the majority of the workers who voted in the November 28, 1988 elections. Although decreed under a different setting, it is apropos to recall in this case Our ruling that where the people have elected a man to office, it must be assumed that they did this with knowledge of his life and character, and that they disregarded or forgave his faults or misconduct, if he had been guilty of any.^[20]

We agree with the petitioners that disobedience to a resolution of this Court should not be left unpunished. However, before the alleged disobedient party may be cited for contempt, the allegations against him should be clearly established. The contentions of petitioners, even disregarding some evidential deficiencies, do not adequately establish the basis for contempt. On the contrary, respondents have satisfactorily answered the averments thereon.

At this juncture, it would further be appropriate to remind petitioners that even if the disqualification of private respondents could be justified, the candidates of petitioners certainly cannot be declared as the winners in the disputed election. The mere fact that they obtained the second highest number of votes does not mean that they will thereby be considered as the elected officers if the true winners are disqualified.

ACCORDINGLY, this case is **DISMISSED** for being moot and academic.

SO ORDERED.

Melencio-Herrera, J., (Chairman), Paras, Padilla and Sarmiento, JJ., concur.

[*] The title of this case was taken from the allegations in the original petition regarding the parties thereto, the indication thereof in the caption of said petition being incomplete.

[1] Rollo, 186-187.

[2] Ibid., 187-188.

[3] Annex A, Memorandum for Private Respondents, Rollo, 223-224.

[4] Annex B, id.; ibid., 225-226.

[5] Annex C, id: ibid, 227.

[6] Rollo, 7.

[7] Ibid., 8-9.

[8] Ibid., 9-10.

[9] Ibid., 240.

[10] Ibid., 242-248, 250 251.

[11] Ibid., 89.

[12] Ibid., 16-17.

[13] Ibid., 183, 271.

[14] Ibid., 370.

[15] Ibid., 433.

[16] Ibid., 444.

[17] Ibid., 445-447.

[18] Smith vs. Smith, 209 Wis. 605, 245 N.W. 644-645.

[19] People vs. Mohica, 2 SCRA 1201(1961); Parampan vs. Querubin, 18 SCRA 787 (1966); Meralco Workers Union vs. Yatco, 19 SCRA 177 (1967); Lachica vs. Yap, 25 SCRA 140 (1968); Bautista, et al. vs. Board of Energy, Manila

Electric Co., G.R. No. 75016, Jan. 13, 1989, citing Kapisanan ng mga Manggagawa sa Manila Railroad Co. vs. De Veyra, 14 SCRA 353 (1965).
[20] Pascual vs. Provincial Board of Nueva Ecija, 106 Phil., 466 (1959), cited in Kapisanan ng Manggagawang Pinagyakap, et al. vs. Trajano, et al., 134 SCRA 236, 242 (1985).

Philippine Copyright © 2005
ChanRobles Publishing Company
www.chanrobles.com