

100 Phil. 676

[G.R. No. L-9446. December 29, 1956]

LUZON BROKERAGE COMPANY, PETITIONER, VS. COURT OF INDUSTRIAL RELATIONS AND LUZON LABOR UNION, RESPONDENTS.

D E C I S I O N

PADILLA, J.:

This is a petition under Rule 67 for a writ of certiorari with preliminary injunction. Petitioner seeks to annul and set aside the order of the Court of Industrial Relations dated 1 June 1955 deferring action on the petitioner's motion to dismiss the complaint or demand for back pay filed by the respondents for lack of jurisdiction of the respondent court and to restrain it from proceeding with the determination of Case No. 397-V(7).

On 1 September 1955 a writ of preliminary injunction was issued restraining the respondent Court of Industrial Relations from proceeding with the case.

Petitioner avers that on 7 April 1951 an amended petition was filed by 425 members of the Luzon Labor Union with the Court of Industrial Relations alleging that at the outbreak of the Pacific war in December 1941, at the instance of the Luzon Brokerage Company, the herein petitioner, they worked with the United States Army by hauling military equipment to Bataan; that some of them died during the war and were represented by their heirs; that sometime in 1945 the Company, on the promise to pay them four to five years back pay, induced some thirty chauffeurs to testify, as they did in fact testify, before the United States military authorities that the Company had 400 trucks commandeered by the United States Army; and that according to their information the Company, was paid by the War Damage Commission for its trucks and other services related to the work of the claimants. They prayed that after hearing the Company be ordered to pay them back wages earned during the war in the respective amounts as computed by them.

On 5 May 1955 the Company filed a motion to dismiss on the ground that as the claim was purely and exclusively for sums of money allegedly owing to certain persons, "most of

whom have already severed their connection with the Company," the Court of Industrial Relations had no jurisdiction over the subject matter. To abbreviate the proceedings and to avoid repeated presentation of the same evidence, on 1 June 1955 the Court deferred action on several motions filed by the Company including the motion' to dismiss, on the ground that the motion alleged facts which should be established by competent evidence. A motion for reconsideration was denied.

Petitioner contends that the Court committed grave abuse of discretion in denying the motion to dismiss and that its taking cognizance of the case would be a waste of time because it had no jurisdiction .to hear 4nd decide it for lack of employer-employee relationship between the petitioner and the respondents.

The petitioner admitted that some of the claimants for back pay were still under its employ when it averred in its motion to dismiss filed in the Court of Industrial Relations that "* * * this case is purely and exclusively a claim for sums of money supposedly owing to certain 'persons, most of whom have long ago severed their connections with the Luzon Brokerage Company * * *' (Annex-C), thereby implying that some of them were still in its employ. And in its own memorandum filed in this "Court the petitioner admits that "some of the claimants, not more than 60, have been employed anew by the petitioner" As there exists an employer-employee relation between the petitioner and the claimants for back pay even with respect only to some of them, and their claim 1 for back pay is a potential source of dispute between management and labor, the respondent Court has jurisdiction to pass upon and decide the demand made by the respondents.

As the respondent Court has jurisdiction over the case, the order of 1 June 1955 deferring action on the petitioner's motion to dismiss is just interlocutory and can not.be appealed.

The petition is denied and the writ of preliminary injunction heretofore issued discharged, with costs against the petitioner.

Paras, C. J., Bengzon, Montemayor, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Endencia, and Felix, JJ., concur.

