103 Phil. 395

[G. R. No. L-8564. April 23, 1958]

FRANCISCO PELAEZ, DECEASED, SUBSTITUTED BY DOLORES VDA. DE PELAEZ, PLAINTIFF AND APPELLANT, VS. LUZON LUMBER COMPANY, DEFENDANT AND APPELLEE.

D E C I S I O N

CONCEPCION, J.:

This is an ordinary civil action for the recovery of the aggregate sum of P36,667.81, consisting of the following items:

1)	For overtime pay…………………………………………………………………………………………	P9,578.37
2)	For sick and vacation leave of absence with pay………………………………………………………	756.00
3)	For medical treatment……………………………………………………………………………………	3,000.00
4)	For actual or compensatory damages………………………………………………………………	20,000.00
5)	For attorney's fees ………………………………………………………………………………………	3,333.44

by way of compensation allegedly due plaintiff Francisco Pelaez—who contracted pulmonary tuberculosis and later died—first as a laborer, and, then, as watchman and driver of defendant Luzon Lumber Company, from December 7, 1946 to May 7, 1952. The complaint was filed with the Court of First Instance of Manila on August 15, 1952.

Defendant answered denying any and all liability in favor of the plaintiff, upon the ground that the former had already paid the latter everything due to him, that he had never rendered any overtime services, and that he had voluntarily quit his job, and assailing the

jurisdiction of the Court of First Instance of Manila to hear and decide the case, the claim involved therein being allegedly within the exclusive jurisdiction of the Workmen's Compensation Commission.

After appropriate proceedings, said court rendered a decision finding that it had no jurisdiction to entertain plaintiff's claim for sick and vacation leave of absence, medical aid and actual and compensatory damages, and dismissing his claim for overtime pay, upon the ground of insufficiency of the evidence, without special pronouncement as to costs. Plaintiff appealed from this decision to the Court of Appeals, which forwarded the records to this Court, the jurisdiction of the court *a quo* being involved in the appeal.

With respect to this decision, appellant contends that, despite section 46 of Act No. 3428, as amended, by Republic Act No. 772, reading:

> "The Workmen's Compensation Commissioner shall have *exclusive* jurisdiction to hear and decide claims for compensation under the Workmen's Compensation Act, subject to appeal to the Supreme Court, in the same manner and in the same period as provided by law and by rules of court for appeal from the Court of Industrial Relations to the Supreme Court." (Italics ours.)

the court *a quo* had jurisdiction to hear and decide his claim for sick and vacation leave of absence, medical aid and actual and compensatory damages, his cause of action in relation thereto having accrued before June 20, 1952, when said Republic Act No. 772 was approved and became effective. A similar pretense was rejected by this Court in Castro vs. Sagales, (94 Phil., 208), and we do not find sufficient reasons to depart from the view adopted in our decision therein, from which we quote:

> "Republic Act No, 772 effective June 20, 1952 conferred upon the Workmen's Compensation Commission 'exclusive jurisdiction' to hear and decide claims for compensation under the Workmen's Compensation Act, subject to appeal to this Supreme Court. Before the pasage of said Act demands for compensation had to be submitted to the regular courts.
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> "It is true that the right arises from the moment of the accident, but such right must be declared or confirmed by the government agency empowered by law to make the declaration. If at the time the petition for such declaration is addressed

> to the court, the latter has no longer authority to do so, obviously it has no power to entertain the petition. *Republic Act No. 772 is very clear that on and. after June 20, 1952 all claims for compensation shall be decided exclusively by the Workmen's Compensation Commissioner, subject to appeal to the Supreme Court. This claim having been formulated for the first time in August, 1952 in the Court of First Instance of Bulacan, the latter had no jurisdiction, at that time, to act upon it.* No constitutional objection may be interposed to the application of the law conferring jurisdiction upon the Commission, because the statute does not thereby operate retroactively; it is made to operate upon claims *formulated after* the law's approval. * * * 'A retrospective law, in a legal sense, is one wbich takes, away or impairs vested rights acquired under existing lawst or creates a new obligation and imposes a new duty, or attaches a new disability, in respect of transactions or considerations already past. Hence, remedial, statutes, or statutes relating to remedies or modes of procedure, which do not create new or take away vested rights but only operate in furtherance of the remedy or confirmation of rights already existing, do not come within the legal conception of a retrospective law, or the general rule against the retrospective operation of statutes.' (50 Am. Jur., p. 505).
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> "It is argued that Republic Act No. 772 should not be enforced as to accidents happening before its approval, because it has introduced changes affecting vested rights of the parties. Without going in to details, it might be admitted that changes as to substantive rights will not govern such 'previous' accidents. *Yet here we are dealing with remedies and jurisdiction which the Legislature has power to determine and apportion.* And then it is hard to imagine how one litigant could acquire a vested right to be heard by one particular court, even before, he has submitted himself to that particular court's jurisdiction." (Italics supplied).

It is urged, however, that "sick and vacation leave of absence are not specially provided in the Workmen's Compensation Act;" that "actual and compensatory damages is provided for in Chapter 2 of the Civil Code of the Philippines;" that "medical aid, although provided in section 13, Workmen's Compensation Act, is also provided in Act 3961, Commonwealth Act 324 and Republic Act No. 46;" and that "the Workmen's Compensation Law cannot and should not be interpreted to mean that labor can no longer invoke the provisions of the Civil Code * * * and other Labor Law."

Apart from the fact that the provisions of the Workmen's Compensation Act have been *specifically invoked* in paragraph 16 of appellant's complaint, his contention is refuted by the first paragraph of section 5 of said Act, which provides:

> "Exclusive right to compensation.—The rights and remedies granted by one particular court, even before, he has submitted himself to him to compensation shall exclude all other rights and remedies accruing to the employee, his personal representatives, dependents or nearest of kin against the employer under the Civil Code and other laws, because of said injury." (Italics ours.)

It should be noted that the right to compensation of employees pursuant to the foregoing section, was exclusive in nature since the *original* Workmen's Compensation Act (No. 3428). At any rate, although we have held that, under Commonwealth Act No. 103, the Court of Industrial Relations could require an employer to grant its employees and laborers vacation and sick leave with pay, if the employer's financial condition justify it (Leyte Land Transportation Co. vs. Leyte Farmers' Laborers' Union, 80 Phil., 842; Dee C. Chuan & Sons, vs. Court of Industrial Relations, 85 Phil., 365, 47 Off. Gaz., 3476) (see, also, Sunripe Coconut Workers Union vs. Sunripe Coconut Products, CIR No. 33-V), there has never been any order or decision of said Court imposing such obligation upon defendant herein, and the ordinary courts of justice have, under our laws, no authority to assume the jurisdiction thus vested in the Court of Industrial Relations by Commonwealth Act No. 103. What is more, the work cited by appellant in support of his pretense (Labor Laws by Francisco) states that "with the abolition of the court's general jurisdiction over labor disputes", upon the enactment of Republic Act No. 875, said power of the Court of Industrial Relations "has also been *abolished*", in the absence of certification by the President, pursuant to section 10 of the latter act (The Law Governing Labor Disputes in the Philippines, by Vicente J. Francisco, Vol. I, p. 166).

It is next urged that:

> "The lower court erred in denying plaintiff-appellant claim for overtime pay and in dismissing plaintiff-appellant's claim." (2nd assignment of error, Appellant's Brief, p. 25, Record.)

It appears that the evidence for appellant, on this point, consisted of his testimony and that

of his wife Dolores Pelaez, which were contradicted by the testimony of Tan Pui Koa and Sy Kiat, appellee's assistant cashier and paymaster, respectively, and that His Honor, the trial Judge, was not satisfied with said evidence for plaintiff-appellant, for the reasons stated in the decision appealed from, in the following language:

> "* * * What the Court has to decide finally is whether plaintiff had really been working daily even on nightshifts for more than twelve working hours continuously as he has alleged under oath in his complaint and as he has testified during the trial or whether as set up by defendant by way of special defense, plaintiff's regular shift has always been 8 hours only and that whenever he rendered overtime service he was duly paid for it.
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> "In this connection, in consonance with the social justice program of the government, such as the Court sympathizes with the cause of plaintiff because he is a laborer, the Court deeply regrets to state that the plaintiff has failed to satisfactorily convince the Court of his pretensions.
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> "To begin with, if it were really true that plaintiff had been rendering overtime work since December 7, 1946 until May, 1952, he would not have continued rendering such overtime service without receiving the corresponding pay and instead allowed his claim to accumulate to thousands without the expectation of collecting the same.
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> "In the second place, it is to be noted, that plaintiff during the trial first claimed that he never received any overtime pay yet, when confronted with his several overtime receipts he had to admit that he collected and received overtime pay more than once.
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> "Finally, the Court cannot help but doubt plaintiff's claim for overtime because in his complaint, plaintiff alleged under oath that from December 7, 1946 to March 31, 1947, he worked from 6:00 p.m. to 6:00 a.m., but during the trial he declared that he used to work at 7:00 o'clock a.m., up to 7:00 o'clock p.m. Needless to state, plaintiff's testimony, contradicted as it is by his own verified complaint cannot be the basis of an award for overtime pay in favor of plaintiff and against defendant whose evidence on the matter is clear and free from contradictions. Indeed, plaintiff's contradiction covers only the period from December 7, 1946 up to March 31, 1957, but the doubt engendered in the mind of the Court extends to

plaintiff's whole claim."

Upon review of the record we do not feel justified in disturbing this finding of the lower court.

Wherefore, the decision appealed from is hereby affirmed, without special pronouncement as to costs. It is so ordered.

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

Date created: October 14, 2014