

VITALIANO SANTOS, PLAINTIFF AND APPELLEE VS. CRISPINA PEREZ VDA. DE CAPARAS, DEFENDANT AND APPELLANT.*G.R. No. L-11777. June 29, 1959*

Ponente: BARRERA, J.

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Raising purely, questions of law, Crispina Perez Vda. de Caparas, defendant in Civil Case No. 26509 of the Court of First Instance of Manila, has appealed from the order of said Court directing the execution of a decision by the Wage Administration Service. The pertinent facts of the case are as follows:

On March 29, 1955, Vitaliano Santos filed a complaint with the Regional Office No. 1 of the Department of Labor, docketed as Case No. NC-680 against Crispina Perez Vda. de Caparas, claiming for overtime compensation for services allegedly rendered to the latter in excess of the statutory number of working hours, from January 1, 1947, to March 11, 1955. It was alleged that during said period he had continuously rendered odd works for the said employer, acting as carpenter, mason, gardener, plumber, caretaker of pigs, bill collector, toilet cleaner and others (p. 1-2, t.s.n.); that from January, 1947, to March 31, 1948, he was given a daily wage of P3.00; from April 1, 1948, to March 11, 1955, P2.00 a day; that as the respondent threatened to further reduce his wage to P1.00 a day, he left her services; that during the entire period of his said employment, he worked from 7:00 a.m. to 12:00 noon and then resumed the work at 1:00 p.m., until 9:00 p.m. every day except Sundays and legal holidays. This complaint was heard by an investigator of the Bureau of Labor who, on May 17, 1955, rendered a so-called decision finding claimant not a domestic help but a general utility man and thus entitled to the benefit of the Eight-Hour-Labor Law. Consequently, Crispina Perez vda. de Caparas was ordered to deposit with the said Office the sum of P3,307.48, for the satisfaction of Santos claim. Respondent employer filed a motion for new trial with the Wage Administration Service but before it could be acted upon, claimant instituted an ordinary civil action in the Court of First Instance of Manila, dated June 7, 1955, for collection of overtime compensation amounting to P4,154.35, for attorney's fees actual damages and costs (Civil Case No. 26509, p. 1-5, Record on Appeal). In the meantime or on June 21, 1955, the Regional Office No. 1, Manila, of the Department of Labor, by the same investigating attorney, denied the respondent's motion for new trial (p. 45, Record on Appeal).

Within the reglementary period to file an answer, the employer-defendant in Civil Case No. 26509 moved to dismiss the complaint on the ground that the court had no jurisdiction over the subject matter of the suit, as plaintiff's claim should have been directed against the estate of defendant's deceased husband, in view of the allegation in the complaint that defendant and her late husband employed plaintiff as general utility man; and that the complaint stated no cause of action, for the reason that there was no allegation that the employer was engaged in any industry or occupation (p. 5-15, Record on Appeal).

But as the aforementioned motion was denied (p. 16, Record on Appeal), the defendant filed an answer denying all the material averments of the complaint, and by way of special defenses demanded from the plaintiff the payment of P3,733.00f representing rentals, water and light bills and meals obtained by plaintiff for his family

during the latter's occupancy of a dwelling place belonging to plaintiff, from January, 1947 to February 28, 1955, together with the sum of P690.50 corresponding to rentals allegedly collected by the plaintiff from defendant's various tenants, but which were not turned over to her. As counterclaim, the defendant likewise prayed the court that she be awarded moral damages in the sum of P2,000.00; P500.00 as attorney's fees, and costs (p. 16-22, Record on Appeal). The issues having been joined, the case was in due time set for hearing. On March 16, 1956, plaintiff started presenting his evidence by testifying in his own behalf. Thereafter, upon agreement of the parties, the hearing was ordered continued to July 5, 1956. (See p. 10, transcript).

The record does not show that a trial actually took place on July 5, but on August 22, 1956, pending the continuation of the hearing of the case, the plaintiff, invoking the ruling laid down by this Court in *Castro vs. Brillantes* (G. R. No. L-9223, promulgated June 30, 1956), filed a motion, in the same proceeding, to execute the decision of the Wage Administration Service in Case No. NC-680 above-mentioned, contending that there being no appeal therefrom, the same had already become final and executory (p. 35-37, Record on Appeal).

Over the vigorous opposition of defendant, and without dictating any decision of its own on the merits of the case (as in fact it could not because the trial had not yet been terminated), the Court, on October 12, 1956, granted the motion and ordered the issuance of a writ of execution against the properties of Crispina Perez vda. de Caparas, in the sum of P3,307.48 with legal interest thereon from the date of the filing of the complaint with the Wage Administration Service until the same would be fully satisfied, plus P500.00 as attorney's fees (p. 53-54, Record on Appeal). From this order of execution, the defendant has appealed to this Court on purely legal grounds.

For the purpose of this decision, it is not necessary to pass upon the various errors of law attributed to the Court a quo. The pivotal issue in this appeal is whether a court of justice may lawfully order the execution of the decision of the Wage Administration Service. This question has already been settled when this Court, in the case of *Potente vs. Saulog*, (supra, p.525) held:

"The issue before us is whether a 'decision' of the WAS, finding that Potente is entitled to recover P8,359.75 from his former employer, by way of unpaid overtime compensation, may be ordered executed by a court of justice, without an ordinary action for the recovery of said sum of money., and without a decision of such court sentencing the employer to pay the aforementioned amount. It is obvious to us that the answer must be negative.

"* * *, the law creating the WAS indicate clearly than an 'action' must be brought, 'in any competent court', for the recovery of unpaid wages which the employer fails or refuses to satisfy. * * *. 'An action', pursuant to Rule 2, Section 1, of the Rules of Court, 'means an ordinary suit in a court of justice, by which one party prosecutes another for the enforcement or protection of a right, or the prevention or redress of a wrong'. It is apparent that the authority to bring 'an action', for the recovery of wages due to an employee or laborer, would not have been explicitly vested in the WAS, if it had the power to render a 'decision' sentencing the employer to pay the amount found to be due said employee or laborer, and judicial intervention were necessary only to execute such 'decision', inasmuch as a petition, before a court of justice, for the execution of said 'decision' would not be 'an action', as adverted to above." (Italics supplied).

The rules and regulations promulgated by the Wage Administration Service in implementation of the Minimum Wage Law, dated January 20, 1953, as a matter of fact provide that only when mediation fails and the parties are not willing to arbitrate may a claim filed therein be assigned to a claims attorney who shall prepare the corresponding complaint for court action if said claim is, after investigation, found meritorious (Sec. 14, Chapter II, Rules and Regulations to Implement the Minimum Wage Law). And as this Court has aptly said:

"In other words, the WAS may cause the employer to satisfy the unpaid wages through mediation, arbitration, or court action, and by no other means, it has no authority to render a—'decision' in the sense in which this term

is used in legal parlance—on the claim for wages, except insofar as it has to determine whether in its opinion, the claim is meritorious, as a condition precedent to the institution, before 'any competent court', of an ordinary 'action' for the recovery of the sum of money it considers due to the claimant. But, then, no writ of execution shall issue, except when the judgment rendered by said court—after due notice and hearing, as demanded by the tenets of due process and provided in the Rules of Court—shall have become final and executory." (*Potente vs. Saulog Transit, Inc.*, *supra.*) (Italics supplied).

It is true that in the case at bar an action was brought in court, but this action was not prosecuted to its conclusion because the trial was discontinued and cut short by the issuance, on mere motion, of a writ of execution of an extraneous decision of an extraneous body. Certainly this is not the "court action" contemplated in the law as one of the remedies for the recovery of unpaid wages.

The case of *Brillantes vs. Castro* (*supra.*) invoked by plaintiff-appellee and apparently relied on by the lower court, rather than supports the order appealed from, is in consonance with the pronouncement quoted above. In that *Brillantes* case, there was an "arbitration agreement whereby they (the parties) agreed '1. That they submit their case to the Wage Administration Service for investigation'; and 2. That they bind themselves to abide by whatever decision this Office may render on the case and that they recognize said decision to be final and conclusive' ".

In affirming the order of the Court of First instance dismissing the complaint based on the same matter and between the same parties as those involved in the Arbitration Agreement, we merely upheld the authority of the WAS to cause the employer to satisfy unpaid wages through arbitration, one of the only 3 modes of settling such claims— mediation and court action being the other two. There is nothing in the decision of this Court in the *Brillantes* case that would justify the inference drawn by the appellee that a so-called "decision" of the WAS, without a written arbitration agreement of the parties, can, upon a mere motion of one of the parties, be enforced by a writ of execution issued by a court of justice without hearing and decision on the merits on the part of the court. This view was reiterated very recently in the case of *Figueroa vs. Saulog*, *infra*, p.1012.

However, considering that the parties are already before the trial court and have in fact started introducing their evidence on the basis of their respective pleadings, it is to the interest of justice that opportunity be given them to fully present their case for determination by the court.

Wherefore, the order appealed from is hereby set aside and the case remanded to the court of origin for further appropriate proceedings therein. No costs. It is so ordered.

Paras, C.J., Bengzon, Padilla, Montemayor, Bautista Angelo, Concepcion and Endencia, JJ., concur.

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