

NEW ANGAT-MANILA TRANSPORTATION AND EDUARDO ELCHICO, IN HIS CAPACITY AS HEIR OF THE DECEASED JOSE ELCHICO AND AS ADMINISTRATOR OF THE LATTER'S ESTATE, PETITIONERS VS. COURT OF I...

G.R. No. L-16283. December 27, 1960

Ponente: BARRERA, J.

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BARRERA, J.:

Petitioners, who were respondents in the court below, seek the review by certiorari of the decision of the Court of Industrial Relations (in Case No. 1108-V) dated September 11, 1959, as amended on September 21, 1959, and of the Resolution en banc, denying their motion for reconsideration.

The antecedents are as follows:

In a petition filed in the Court of Industrial Relations '(Case No. 1108-V), Francisco Esquivel, Pedro Gabriel, and Pedro de la Paz, sought recovery of overtime compensation from the "New Angat-Manila Transportation" and Florencio Elchico (as manager of the said transportation business), amounting to P20,481.28, and, together with Pacifico Almazar, Lazaro Gutierrez, and Filemon de Guzman, for separation pay in this total sum of P10,756.25.[1]

To the petition, only respondent Elchico filed an answer, alleging that the "New Angat-Manila Transportation" was owned, successively, by Matias Fernando,[2] Encarnacion Elchico Vda, de Fernando,[3] and Jose Elchico;[4] that at the time said petition was filed, there was pending in the Court of First Instance of Rizal, testate and intestate proceedings where claims against the estate of Jose Elchico may be filed; that the causes of action which took place as early as 1930, do not survive the deceased employer, and even if they do, they were either fictitious or unwarranted. As counterclaim, respondent demanded the sum of P2,000.00 as attorney's fees. This counterclaim was duly answered and denied by petitioner.

In a decision rendered on September 12, 1959, the trial judge ordered the respondent to pay the overtime compensation demanded by petitioners, except the claim of Pedro Gabriel which, was dismissed, and separation pay in amounts equivalent to one month salary for every year of service of each. This decision was later amended on September 21, 1959 in the sense that the basis for the computation of the separation pay was one-half month salary instead of one-month salary. The court examiner was thus directed to make the necessary computation of the amounts due the petitioners, and submit the corresponding report for proper adjudication. Copy of the original decision was received by counsel for respondents on September 17, while the amended decision was received by said respondents on September 21.

On September 22, 1959, respondents' counsel filed a motion for reconsideration of the "Decision dated September 12, 1959, as modified by the Amended Decision dated September 21, 1959". This motion, however, was denied by resolution of the court en banc, allegedly for having been filed beyond the 5-day reglementary period. It is this

resolution, as well as the aforementioned decision, as amended, that respondents ask us to review by means of the instant petition for certiorari.[5]

Herein petitioners raise several points against the actions taken by the respondent Court, among which is the question of jurisdiction. This we find to be decisive in the case at bar.

In the case of Price Stabilization Corporation vs. Court of Industrial Relations, et al.,[6] this Court declared:

"Analyzing these cases,[7] the underlying principle, it will be noted in all of them, though not stated in express terms, is that where the employer-employee relationship is still existing and is sought to be reestablished because of its wrongful severance (as where the employee seeks reinstatement), the Court of Industrial Relations has jurisdiction over all claims arising out of, or in connection with employment, such as those related to the Minimum Wage Law and the Eight-Hour Labor Law. After the termination of the relationship and no reinstatement is sought, such claims become mere money claims, and come within the jurisdiction of the regular courts.",

and held that such principle shall govern all cases of the same nature.

In the instant case, respondent-employees, who were dismissed from petitioners' employ in 1958, do not aspire for reinstatement to their former positions, but merely seek recovery of compensation allegedly still due and owing them; as a matter of fact, their petition specified that it was only for "collection of overtime pay and termination pay". Following the ruling laid down in the PRISCO case (supra), therefore, this case should properly be filed in the regular courts or probate court, as the case may be.

With the above consideration, we find no necessity to pass upon the other errors assigned by the petitioners.

Wherefore, the decision, as amended, rendered by the respondent Court, as well as its resolution en banc appealed from, are hereby set aside, without prejudice to the refiling of the appropriate action in the proper court. No pronouncement as to costs. So ordered.

Paras, C.J., Bengzon, Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Gutierrez David, Paredes and Dizon, JJ., concur.

Decision and resolution set aside.

[1] Allegedly under Rep. Act 1052, as amended by Hep. Act 1787, Almazar, employed for 28 years at P187.50 a month is entitled to P2,625.00; Gabriel—11 years of service at P165.00 a month—P907.50; Gutierrez—10 years of service at P157.00 a month—P863.75; De la Paz—26 years at P300.00 a month—P3,900.00; Esquivel—24 years at P150.00 a month—P1,800.00; and De Guzman—11 years at P120.00 a month—P660.00.

[2] Died in May, 1948.

[3] Died in January, 1956.

[4] Died on February 7, 1957.

[5] In Case G. R. No. L-16278, certain intervenors sought the review of these same decision and resolution, but the petition was dismissed by this Court, on the ground that their intervention was not admitted by the trial court. Hence, that dismissal did not conclude the issues raised in the present case.

[6] 108 Phil, 134.

[7] PAFLU vs. Tan, 99 Phil., 854; 52 Off. Gaz., [13] 5836; Detective and Protective Bureau, Inc. vs. Guevara, et

al., L-8738, prom. May 31, 1957; Roman Catholic Archbishop of Manila vs. Yanson, et al-, L-12341, April 30, 1958; Elizalde & Co. vs. Yanson, et al., L-12345, April 30, 1958; NASCO vs. Almin, et al., 104 Phil., 836; 36 Off. Gaz., [9] 1899; Monares vs. CNS Enterprise, L-11749, May 29, 1959.

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