

AMERICAN STEAMSHIP AGENCIES, INC., PETITIONER, VS. COURT OF INDUSTRIAL RELATIONS AND LADISLAO DE GUIA, RESPONDENTS.

G. R. No. L-17878. January 31, 1963

Ponente: DIZON, J.

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DIZON, J.:

On September 30, 1958 , Ladislao de Guia filed with the Court of Industrial Relations a complaint for the recovery of overtime and separation pay against the American Steamship Agency, Inc., a duly organized domestic corporation, (Case No. 1103-V) alleging that he was employed by the latter as headchecker and supercargo, with a daily wage of P12.00 and P15.00, respectively, from November, 1952 until he was illegally dismissed in April, 1958; that during the period of his employment he rendered overtime work for which he had not been paid.

Respondent denied the existence of the employer-employee relationship alleged by the claimant as the latter was not engaged on a salary basis but was paid only for whatever particular service he had rendered to it; that the truth was that he was employed by the Waterfront Employees Union and was only assigned with respondent when his services were needed; that claimant had been paid for whatever overtime service he had rendered and his dismissal was due to insubordination and wilful disobedience of orders.

After due trial, the Court rendered a decision on July 11, 1959 ordering respondent to pay overtime and separation pay to the petitioner and to furnish all the records needed by the Court Examiner for his guidance in the proper computation of the amount of overtime pay to which complainant is entitled. Respondent's motion for reconsideration having been denied by the court en banc, the present petition for review by certiorari was filed. The main issues raised therein are whether (a) the Court of Industrial Relations has jurisdiction over the present case, and, in the affirmative, whether or not respondent De Guia is entitled to separation and overtime pay.

In *Price Stabilization Corporation vs. Court of Industrial Relations etc., et al.*, (108 Phil., 134) we held that the Court of Industrial Relations has jurisdiction over a claim for overtime and for wrongful severance pay if the employer-employee relationship is still existing or is sought to be re-established. This was reiterated in *New Angat-Manila Transportation et al., vs. Court of Industrial Relations, et al.*, (110 Phil., 318; promulgated on December 27, 1960).

The claim filed by De Guia with the Court of Industrial Relations was only for overtime and separation pay, and it was so understood by said court whose decision (Annex D to the petition for certiorari before us) starts with this statement: "This is a complaint for overtime and separation pay etc.", and the dispositive part of whose decision grants no other relief but overtime and separation pay. It is therefore clear that De Guia's claim was not within the jurisdiction of the respondent court.

Wherefore, the decision appealed from is set aside, without costs.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador , Concepcion , Reyes, J.B.L., Barrera, Paredes, Regala and Makalintal, JJ., concur.

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