

PAN AMERICAN WORLD AIRWAYS SYSTEM (PHILIPPINES), PETITIONER, VS. PAN AMERICAN EMPLOYEES ASSOCIATION, RESPONDENT.

G.R. No. L-16275. February 23, 1961

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

Appeal by certiorari from the decision of the Court of Industrial Relations in Case No. 1055—V dated October 10, 1959, and its resolution en banc denying the motion for reconsideration filed by the petitioner herein.

The dispositive portion of the appealed decision reads;

"Wherefore, the Court orders the Chief of the Examining Division or his representative to compute the overtime compensation due the aforesaid fourteen (14) aircraft mechanics and the two employees from the Communication Department, based on the time sheet of said employees from February 23, 1952 up to the including July 15, 1958 and to submit his report within 30 days for further disposition by the Court; and the company shall show to the Court Examiner such time sheets and other documents that may be necessary in the aforesaid computation; and two (2) representatives for the company and two (2) representatives for the union shall be chosen to help the Court Examiner in said computation.

"The company is also ordered to permanently adopt the straight 8-hour shift inclusive of meal period which is mutually beneficial to the parties.

"SO ORDERED."

In this appeal, petitioner advances five propositions which, briefly, are as follows: (1) the Industrial Court has no jurisdiction to order the payment of overtime compensation, it being a mere monetary claim cognizable by regular courts; (2) the finding that the one-hour meal period should be considered overtime work (deducting 15 minutes as time allotted for eating) is not supported by substantial evidence; (3) the court below had no authority to delegate its judicial functions by ordering the Chief of the Examining Division or his representative to compute the overtime pay; (4) the finding that there was no agreement to withdraw Case No. 1055-V in consideration of the wage increases in the Collective Bargaining Contract (Exh. "A") is not supported by substantial evidence; and (5) the court below had no authority to order the Company to adopt a straight 8-hour shift inclusive of meal period.

On the issue of jurisdiction over claims for overtime pay, we have since definitely ruled in a number of recent decisions that the Industrial Court may properly take cognizance of such cases if, at the time of the petition, the complainants were still in the service of the employer, or, having been separated from such service, should ask for reinstatement; otherwise, such claims should be brought before the regular courts. (*NASSCO vs. CIR, et al.*, 107 Phil., 1006; 58 Off. Gaz., [36] 5875; *PRISCO vs. CIR, et al.*, 102 Phil., 515; *Board of Liquidators, et al., vs. CIR, et al.*, 108 Phil., 162; *Sta. Cecilia Sawmills Co. vs. CIR*, 108 Phil., 330; *Ajax-International Corp. vs. Seguritan*, 109 Phil., 815; *Sampaguita Pictures, Inc., et al. vs. CIR*, 109 Phil., 818). Since, in the instant case, there is no

question that the employees claiming overtime compensation were still in the service of the company when the case was filed, the jurisdiction of the Court of Industrial Relations cannot be assailed. In fact, since it is not pretended that, thereafter, the complainants were discharged or otherwise terminated their relationship with the company for any reason, all of said complainants could still be with the company up to the present.

Petitioner herein claims that the one-hour meal period should not be considered as overtime work (after deducting 15 minutes), because the evidence showed that complainants could rest completely and were not in any manner under the control of the company during that period. The court below found, on the contrary, that during the so-called meal period, the mechanics were required to stand by for emergency work; that if they happened not to be available when called, they were reprimanded by the leadman; that as in fact it happened on many occasions, the mechanics had been called from their meals or told to hurry up eating to perform work during this period. Far from being unsupported by substantial evidence, the record clearly confirms the above factual findings of the Industrial Court.

Similarly, this Court is satisfied with the finding that there was no agreement to withdraw Case No. 1055-V in consideration of the wage increases obtained by the union and set forth in the Collective Bargaining Agreement Exhibits "A". As reasoned out by the court below, such alleged agreement would have been incorporated in the contract if it existed. The fact that the union filed a motion to dismiss without prejudice, after the Collective Bargaining Contract had been signed, did not necessarily mean that it had agreed to withdraw the case in consideration of the wage increases. The motion itself (Annex "B", Petition for Certiorari) was expressly based on an understanding that the company would "formulate a schedule of work which shall be in consonance with C. A. 444". All in all, there is substantial evidence in the record to support the finding of the court below that no such agreement was made.

It is next contended that in ordering the Chief of the Examining Division or his representative to compute the compensation due, the Industrial Court unduly delegated its judicial functions and thereby rendered an incomplete decision. We do not believe so. Computation of the overtime pay involves a mechanical function, at most. And the report would still have to be submitted to the Industrial Court for its approval, by the very terms of the order itself. That there was no specification of the amount of overtime pay in the decision did not make it incomplete, since this matter would necessarily be made clear enough in the implementation of the decision (see *Malate Taxicab & Garage, Inc. vs. CIR, et al.*, 99 Phil., 41; 52 Off. Gaz., 3034).

The Industrial Court's order for permanent adoption of a straight 8-hour shift including the meal period was but a consequence of its finding that the meal hour was not one of complete rest, but was actually a work hour, since, for its duration, the laborers had to be on ready call. Of course, if the Company practices in this regard should be modified to afford the mechanics a real rest during that hour (f. ex., by installing an entirely different emergency crew, or any similar arrangement), then the modification of this part of the decision may be sought from the Court below. As things now stand, we see no warrant for altering the decision.

The judgment appealed from is affirmed. Costs against appellant.

Bengzon, Acting C.J., Padilla, Bautista Angelo, Labrador, Concepcion, Barrera, Paredes, and Dizon, JJ., concur.

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