

JACQUELINE INDUSTRIES, DUNHILL BAGS INDUSTRIES, POL YAP, CANDIDO DYONCO AND HENRY YAP, PETITIONERS, VS. NATIONAL LABOR RELATIONS COMMISSION AND GAUDENCIA DE QUIROZ, RESPONDENTS.*G.R. No. L-37034. January 30, 1976*

Ponente: FERNANDO, J.

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In view of an adverse decision promulgated on August 29, 1975, dismissing the suit for certiorari and prohibition and thus in effect sustaining the money claim of private respondent Gaudencia de Quiroz, petitioners, on October 13, 1975, filed a motion for reconsideration or for new trial. They alleged three grounds: the first reiterated the due process argument to the effect that there was no hearing, the second denied the existence of employer-employee relationship in view of an alleged dismissal of private respondent from which she did not seek appeal, and the third sought the opportunity for a hearing wherein they could show that the claim was barred by prescription or by laches. Respondents were required to comment. There was a three-page comment, the prayer of which was to deny such motion for reconsideration or for new trial filed by counsel for private respondent on December 15, 1975. Respondent National Labor Relations Commission, after seeking and after having been granted two motions for extension of time to file comment, submitted an extended and well-reasoned comment on January 5, 1976, meeting each and every point raised by petitioners.[1] It is primarily on the basis thereof that the motion for reconsideration or for new trial is denied.

Our decision of August 29, 1975 stands. There is no basis for its modification, much less a reversal. Nor would a new trial serve a useful purpose.

1. The objection that there was a denial of due process in view of the absence of a hearing was refuted in the comment of Solicitor General Mendoza. Thus: "(a) Upon the filing of private respondent's complaint, Atty. Luna C. Piezas, who after conducting preliminary fact-finding hearings on January 31, 1973 and on February 6, 1973 * * *, submitted his Fact-Finding Report * * * dated February 7, 1973 to respondent Commission pursuant to Section 9, NLRC Rules and Regulations implementing Presidential Decree No. 21. (b) On February 16 and 22, 1973, hearings at mediation level were conducted by said Mediator/Fact-Finder * * * who thereafter, but upon prior receipt by him of the respective memoranda of the parties, submitted to the respondent Commission his mediation report * * * and his additional mediation report * * * recommending that on the basis thereof, as well as his preliminary Fact-Finding Report, * * * the case be resolved by the respondent Commission. (c) In all the foregoing hearings with prior notice to the parties, evidence, both testimonial and documentary, were adduced not only by the private respondent but by petitioners as well. If any of said hearings were held ex-parte, it was due to the fault of petitioners [or] their counsel for their unexplained non-appearance. * * * (d) On the basis of the Mediation Report * * * and the Additional Mediation Report * * * respondent Commission rendered its decision * * * adopting by reference the findings of facts and the laws in which it is based as reflected in the aforesaid Mediation Reports. The foregoing record of proceedings before the respondent Commission clearly show that

petitioners were accorded every opportunity to be heard and to present their evidence at mediation level, contrary to their claim that no hearings were conducted at mediation level. It may be pointed out that proceedings at all levels before the respondent Commission shall be non-litigious and summary in nature, as provided in Section 28 of respondent Commission's Rules and Regulations issued pursuant to Section 9 of Presidential Decree No. 21, and it is a well-settled rule that in proceedings of this nature (Administrative) the technical rules governing judicial controversies need not be strictly observed * * *." [2]

2. Such comment characterized as deserving of scant consideration, the second ground raised by petitioners in their motion for reconsideration was based on the specious contention that the employer-employee relationship had ceased to exist since there was no attempt on the part of private respondent to be reinstated after an unlawful dismissal. In the language of the comment: "The employer-employee relation between petitioners and private respondent never ceased to exist. The records show that private respondent went on sick leave to undergo medical treatment for urinary infection, and upon her return to duty, she was dismissed by respondents on the pretext 'that she was no longer needed by the company.' * * * Private respondent's dismissal by petitioners being illegal, she is deemed not to have been separated from the service of her employers (petitioner herein). As aptly quoted by respondent Commission in its decision, to wit: 'The employer cannot rightfully dismiss the employee who is sick even if he complies with the requirement as to the service of the required Notice and payment of the corresponding separation pay, because sickness is not wilful or voluntary on the part of the employee' * * *. The issue on this case is not purely one of money claim. It involves employer-employee relationship. Private respondent's claims are made under the Minimum Wage Law, the Overtime Pay Law, Sunday Pay Law and Termination Pay Law, matters which involve employer-employee relationship within the original and exclusive jurisdiction of respondent Commission, pursuant to Par. 1, Sec. 2, of Presidential Decree No. 21, which reads: 'Sec. 2. The Commission shall have original and exclusive jurisdiction over the following: 1) All matters involving employer-employee relations including all disputes and grievances which may otherwise lead to strikes and lockouts under Republic Act No. 875;' * * * The foregoing jurisdiction granted to respondent Commission is all-embracing insofar as matters involving employer-employee relations are concerned, and considering that said jurisdiction is original and exclusive, by necessary implication it withdrew the limited jurisdiction theretofore exercised over said matters by the Court of Industrial Relations under Republic Act No. 875, except for those pending cases over which said court had already acquired jurisdiction.'" [3]

3. As to the lack of any jurisdiction for raising the defense of prescription or laches, the comment stated the following: "The claim of prescription cannot be raised for the first time on appeal, and much less in a motion for reconsideration like in the instant case. Petitioners admit that private respondent's claim is one for money. Private respondent's causes of action in her complaint against petitioners are: 1. Violation of the Minimum Wage Law; 2. Violation of the Eight-Hour Labor Law; 3. Violation of the Termination Pay Law; 4. Failure to keep pay rolls reflecting the number of hours of work and the corresponding salaries of employees thereof; Relief Sought: 1. Payment of wage differentials due to underpayment; 2. Payment of overtime pay due to services rendered in excess of eight hours; 3. Payment of separation pay due to illegal dismissal; and 4. Commission order enjoining respondents to keep regular payroll * * *. In their answer, respondents denied private respondent's claim and set up the affirmative defenses, that 1. Private respondent's cause of action being a money claim, respondent Commission has no jurisdiction over the same; 2. That they (petitioners) do not fall within the coverage of the Minimum Wage Law, they being NACIDA registered industries, and private respondent is a piece worker * * *. Petitioners, in denying private respondent's causes of action, never raised the question of prescription. This being so, defenses and objections not pleaded either in a motion to dismiss, or in the Answer are deemed waived * * *. Petitioners having failed to plead in their answer the defense of prescription, the same cannot now be raised for the first time.'" [4]

4. It does clearly appear therefore that the motion for reconsideration or for new trial is devoid of merit. As noted at the outset, it cannot be granted. The decision, as rendered by this Court, has not been shown to be lacking support in law.

Wherefore, the motion for reconsideration as well as for new trial is denied. The decision of August 29, 1975 should be implemented forthwith. No costs.

Antonio, Aquino, Concepcion Jr., and Martin, JJ., concur.

Barredo, J., did not take part.

[1] The comment of respondent National Labor Relations Commission was signed by Solicitor General Estelito P. Mendoza, Assistant Solicitor General Reynato S. Puno and Solicitor Salvador C. Jacob.

[2] Comment of respondent National Labor Relations Commission, par. 1.

[3] Ibid, par. II.

[4] Ibid, par. III.

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