

MANUEL L. GARCIA, PETITIONER, VS. JUDGE ANTONIO M. MARTINEZ, ET AL., RESPONDENTS.

G.R. No. L-47629. May 28, 1979

Ponente: AQUINO, J.

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AQUINO, J.:

Jose Velasco, Jr. filed a second motion for the reconsideration of the decision of August 3, 1978, holding that the Court of First Instance, Davao City Branch VI, had no jurisdiction to entertain Velasco's complaint of August 2, 1976 for actual and moral damages amounting to P167,000 plus exemplary damages (without any prayer for reinstatement), allegedly arising from his dismissal as manager of a radio station (Civil Case No. 9657).

In that decision, it was ruled that the complaint should have been filed with the National Labor Relations Commission because the jurisdiction of its Labor Arbiters under article 217 of the Labor Code includes claims for damages resulting from the unjustified dismissal of an employee.

Velasco bases his motion on Presidential Decree No. 1367, which took effect on May 1, 1978 and which amended section 217(a) by providing that "the Regional Directors (of the Ministry of Labor) shall not indorse and Labor Arbiters shall not entertain claims for moral or other forms of damages." The full text of the amendment reads as follows:

"SECTION 1. Paragraph (a) of Art. 217 of the Labor Code as amended is hereby further amended to read as follows:

"(a) The Labor Arbiters shall have exclusive jurisdiction to hear and decide the following cases involving all workers, whether agricultural or non-agricultural:

“1) Unfair labor practice cases;

“2) Unresolved issues in collective bargaining, including those which involve wages, hours of work, and other terms and conditions of employment; and

“3) All other cases arising from employer-employee relations duly indorsed by the Regional Directors in accordance with the provisions of this Code:

Provided, that the Regional Directors shall not indorse and Labor Arbiters shall not entertain claims for moral or other forms of damages."

It now appears that at the time this case was decided the lower court had jurisdiction over Velasco's complaint although at the time it was filed said court was not clothed with such jurisdiction. The lack of jurisdiction was cured by the issuance of the amendatory decree which is in the nature of a curative statute with retrospective application to a pending proceeding, like Civil Case No. 9657 (See 82 C.J.S. 1004).

WHEREFORE, the decision in this case is set aside, the petition is dismissed and the lower court is directed to conduct further proceedings for the disposition of Civil Case No. 9657. No costs.

SO ORDERED.

Antonio, (Acting Chairman), Concepcion, Jr., Santos, and Abad Santos, JJ., concur.

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