

SANTIAGO ALERIA ET AL., PLAINTIFFS AND APPELLANTS, VS. JUAN MENDOZA AND ROMUALDO MOVILLA, DEFENDANTS AND APPELLEES.

G.R. No. L-2056. April 27, 1949

Ponente: MORAN, C.J.

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MORAN, C.J.:

A civil case was filed, for unpaid wages due to a number of laborers. There was then a criminal action pending against one of the defendants for protracted delay in the payment of said wages as penalized by Commonwealth Act No. 503. Said defendant, under Rule 107, of the Rules of Court, asked for the suspension of the civil action until the criminal case be finally disposed of. The Court granted the request and the laborers appealed.

The order of suspension is wrong. The rule that a civil action shall be suspended until final judgment is rendered in the criminal case, applies when the civil action arises from the offense charged in the criminal case. Here, the offense charged is extended delay in the payment of wages which is penalized by law, and the civil action arises not from such an extended delay but from the contract of services entered into by the parties. Whether or not there has been a protracted delay, the payment of wages due is demandable. The success of the civil action does not depend upon proof of an existing offense.

Furthermore, the rule of preference in favor of a criminal case does not apply when the civil action is a prejudicial question. (10 Enciclopedia Juridica Española, pp. 229-231.) For instance, in a criminal case for bigamy, the civil action for annulment of the second marriage is a prejudicial question. In the instant case, the obligation to pay wages is a prejudicial question for there can be no extended delay in the payment of such obligation unless the obligation be first proved.

And, finally, action for laborer's wages must be disposed of promptly for it concerns necessities of life for the poor.

From all the foregoing, the order appealed from is reversed and the lower court instructed to try and dispose of the civil action as soon as possible, without costs.

Paras, Feria, Pablo, Perfecto, Bengzon, Briones, Tuason, Montemayor, and Reyes, JJ., concur.

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