

REPUBLIC BANK, PETITIONER, VS. THE HONORABLE COURT OF INDUSTRIAL RELATIONS AND NARCISO MACARAEG, RESPONDENTS.*G.R. No. L-21303. September 23, 1968*

Ponente: MAKALINTAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/327812a9724b/>**MAKALINTAL, J.:**

The first action for recovery of overtime pay was Case No. 1104-V of the Court of Industrial Relations entitled "Narciso Macaraeg, complainant, vs. Republic Savings Bank, respondent." The complaint, on motion of the respondent Bank, was dismissed by the trial Judge for lack of jurisdiction, but the order of dismissal was set aside by a resolution of the court en banc. The case was elevated to this Court in a petition for certiorari (G. R. No. L-16637) on the sole issue of jurisdiction. On June 30, 1961 this Court held that the respondent court was without jurisdiction, considering that the action was purely a money claim cognizable by the ordinary courts, and set aside the appealed resolution en banc "without prejudice to the filing of the claim of Macaraeg in any competent court."

It appears that in another case filed in the Court of Industrial Relations on September 15, 1958, entitled "-Rosendo T. Resuello, et al., complainants, vs. Republic Savings Bank, respondent" (Case No. 1751-ULP)1 - for unfair labor practice with demand for reinstatement and back-wages - Macaraeg (respondent herein) was one of the com-plainants. While that case was pending Macaraeg filed with the same court, purportedly in accordance with the decision of this Court in G. R. No. L-16637, a complaint for over-time pay (Case No. 1538-V), this time including a demand for reinstatement, which was already the subject of Case No. 1751-ULP. The respondent Bank (petitioner herein) pleaded res adjudicate in its answer and moved to dismiss the com-plaint, alleging that the question of jurisdiction had already been settled by this Court in G. R. No. L-16637. The trial Judge sustained the plea and dismissed the case in an order dated March 13, 1962. Upon motion for reconsideration, the court en banc, in a resolution dated February 8, 1963, set aside the order of dismissal and gave due course to the complaint. Said the court:

"The doctrine of res judicata invoked by the Trial Court in justifying the dis-missal of this case is not applicable, be-cause the prior dismissal before the Supreme Court in G. R. No. L-16637 was not a con-clusive adjudication of the controversy. It was not a prior judgment on the merits, since the Supreme Court, in dismissing a complaint without a claim for reinstate-ment, ruled 'without prejudice to the filing of the claim of Macaraeg in any competent court'.

We vote that the order of March 13, 1962, be set aside, and the case be given due course."

Not satisfied, the Republic Bank filed the instant petition for review. Respondents here maintain that the doctrine of res judicata does not apply because the deci-sion of this Court in G. R. No. L-16637 was without pre-judice to the riling of the claim with any competent court and, therefore, not a judgment on the merits.

It must be stated that during the pendency here of G. R. NO. L-16637, respondent Macaraeg filed a supplementary answer, alleging that he had a pending claim with the Court of Industrial Relations for reinstatement and backwages in Case No. 1751-ULP. This Court deferred action thereon "until the case is considered on the merits."

Obviously the purpose of the supplementary answer was to manifest to this Court that respondent Macaraeg's claim for overtime pay was coupled with a demand for reinstatement. It was, a manifestation which, if intended as an amendment to the complaint below, could not be entertained because it would change substantially the cause of action. In any event, the manifestation proved futile when this Court rendered its decision in the afore-said case, G. R. No. L-16637, wherein it was stated:

"No claim is made that his separation is illegal or that he still has the right to continue in the service or to be reinstated, by virtue of a contract or otherwise. Under this circumstance, the action is purely a money claim cognizable by the ordinary courts of justice in accordance with the provisions of Republic Act No. 602."

The foregoing decision was on the merits insofar as the issue of jurisdiction was concerned. That issue was settled with finality in connection with the claim for overtime pay.

The complaint in the present action (Case No. 1538-V) is a reiteration of the same claim, although it contains in addition a prayer for reinstatement, obviously to circumvent our denial of jurisdiction to the Court of Industrial Relations. The attempt must be thwarted not only on that ground but also because the question of reinstatement was already the subject of another action in the Court of Industrial Relations (Case No. 1751-ULP) which in fact was decided by said Court on September 27, 1967.

Wherefore, the resolution of the lower court en banc dated February 8, 1963, is hereby set aside, and the complaint is ordered dismissed, without pronouncement as to costs.

Concepcion, C.J., Reyes, J.B.L., Dizon, Zaldivar, Sanchez, Castro, Angeles, and Fernandez, JJ., concur.

1 Decided by the CIR on July 4, 1962 finding the Bank guilty of unfair labor practice and ordering the respondents to be reinstated with full back wages, which was affirmed by the court en banc on August 9, following. This decision was affirmed by us in G.R. No. L-20303, September 27, 1967.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.