

RICARDO DEQUITO, PLAINTIFF-APPELLANT, VS. LEOPOLDO LOPEZ, AND/OR MARIA N. LOPEZ, ENRIQUE LOPEZ, SALVADOR LOPEZ, JR., RODOLFO LOPEZ AND FLORDELIZ LOPEZ-IÑIGO, AS CO-HEIRS AND/OR...*G.R. No. L-27757. March 28, 1968*

Ponente: FERNANDO, J.

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The question involved in this appeal from an order of dismissal of the lower court is one of jurisdiction. More specifically, is it the Court of First Instance or the Court of Agrarian Relations that may take cognizance of a claim for separation pay, a claim for pay differential, and a claim for overtime pay filed by plaintiff-appellant, who, as alleged in the complaint and presumptively admitted in the motion to dismiss of defendants-appellees, which admission is expressly reiterated in their Brief, "was employed as security guard in [their] agricultural enterprise * * * when the latter terminated" such employment?[1] It was the holding of the lower court that the case should "be dismissed on the ground that [it] has no jurisdictional ground to act on the same * * *." [2] In thus sustaining defendants-appellees' contention that the matter was within the exclusive jurisdiction of the Court of Agrarian Relations, the lower court was in error. Its order to dismiss cannot stand.

Plaintiff-appellant was employed as security guard by defendants-appellees in their agricultural enterprise in Davao from November 11, 1958 until his dismissal, allegedly without just cause and without prior notice on July 11, 1963. For his first cause of action, he sought to recover in the concept of "separation pay" in the amount of P317.50; for the second cause of action, in the concept of a "claim for pay differential," he would hold defendants-appellees liable for P392.00; and for the third cause of action, in the concept of "claim for overtime pay", allegedly due to his performing his work at night time for regular working days from Monday to Saturday, as well as Sundays and legal holidays, he would fix the responsibility of defendants-appellees in the sum of P1,231.02. For each of the above cause of action, he would further seek recovery of P300.00 as exemplary damages, P100.00 as reimbursement of transportation expenses to Davao City and return to Mati, Davao, and board and lodging while in Davao City and another P100.00 as reimbursement of "litis" expenses.

As above noted, the motion to dismiss before the lower court was predicated on the plaintiff-appellant's status as a former agricultural employee whose claim, under the Agricultural Land Reform Code, which took effect on August 8, 1963, must be decided by the Court of Agrarian Relations, which is vested with original and exclusive jurisdiction over all cases or action involving matters, controversies, disputes, or money claims arising from agrarian relations. Such a plea, again as was set forth above, elicited a favorable response from the lower court as shown by the appealed order of dismissal.

To repeat, the lower court misread the law and the appeal must be sustained. The statutory provision[3] that controls vests original and exclusive jurisdiction in the Court of Agrarian Relations over "money claims arising from agrarian relations * * *." While defendants-appellees did operate an agricultural enterprise, the employment

of plaintiff-appellant, prior to his alleged unjust dismissal, such employment and dismissal giving rise to the money claims, was that of a security guard. It would be to stretch unduly the interpretation of "agrarian relations" to view the work performed by plaintiff-appellant as embraced therein. Moreover, it would not be contrary to the reason that prompted the grant of such original and exclusive jurisdiction to a tribunal, which necessarily has in its favor the presumption of expertise, with its jurisdiction limited to the disposition of controversies and disputes, as well as money claims arising from the relationship between a proprietor on the one hand, and tenants, lessees, or workers on the other. What we have here is an ordinary employment relationship which gives rise to certain money claims. The work as security guard lacks that element which would give rise to any form of agrarian relations. Under the circumstances, the controlling statutory provision is not susceptible of the interpretation erroneously placed upon it by the lower court in granting the order of dismissal.

It is a doctrine to which there has been an unwavering adherence and steadfast fealty on the part of this Court that its first and fundamental duty is to apply the law, there being no need for an interpretation unless a literal application is impossible.^[4] The force of this well-settled principle calls for a reversal of the order of dismissal.

One last matter. The brief of plaintiff-appellant, dated November 6, 1967, was received by this Court on December 3, 1967. Thereafter, on January 15, 1968, a motion to dismiss the appeal, on the ground that the record on appeal did not disclose on its face that the appeal was timely perfected, was filed by defendants-appellees, this notwithstanding the fact that the record on appeal was received by this Court as far back as August 16, 1967. The brief for defendants-appellees, dated January 6, 1968, thus having been presumably completed four (4) days prior to their motion to dismiss appeal, was filed with the Court on January 24, 1968. Under the circumstances, the merit or lack of it of the motion to dismiss could not be inquired into, being filed much too late.

Moreover, in the light of the constitutional, as well as codal and statutory mandates, there being an explicit command of protection to labor as well as the promotion of social justice, such a motion, under circumstances disclosing tardiness for which there was no explanation, could hardly be considered as deserving of sympathy or consideration. Due note should be taken of the long delay to which plaintiff-appellant had already been subjected in his attempt to have a judicial determination of whether his claims for separation pay, differential pay, as well as overtime pay were legally sanctioned by law; the sooner this litigation then is terminated with finality, the better, not only for the parties directly involved, but likewise for the primacy of the rule of law.

WHEREFORE, the order of dismissal of September 22, 1966, by the lower court, is set aside, and this case is remanded to it for further proceedings in accordance with the above opinion. With costs.

Reyes, Actg. C.J., Dizon, Makalintal, Bengzon, Zaldivar, Sanchez, and Angeles, JJ., concur.

Ruiz Castro, J., did not take part.

Concepcion, C.J., on official leave.

[1] Defendants-Appellees' Brief, p. 2.

[2] Record on Appeal, p. 36.

[3] Section 154, par. 1 of the Agricultural Land Reform Code, Republic Act No. 3844.

[4] *Lizarraga Hermanos v. Yap Tico*, 24 Phil. 504 (1913). See also *People v. Mapa*, G.R. No. L-22301, August 30, 1967 and *Pacific Oxygen & Acetylene Co. v. Central Bank of the Philippines*, G.R. No. L-21881, March 1, 1968.

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