

ATLANTIC GULF AND PACIFIC CO. OF MANILA, INC. VS. OLIVAR ET AL., PETITIONER, VS. HILARION OLIVAR, ET AL., RESPONDENTS.

G.R. No. L-19526. September 20, 1965

Ponente: BENGZON, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/368f3d8caf34/>

BENGZON, C.J.:

In June 1961, Hilarion Olivar complained to the Court of Industrial Relations that Atlantic, Gulf and Pacific Company of Manila, Inc., had dismissed him, as watchman, without cause. He asked for reinstatement, back wages and damages.

In its turn, the Atlantic Gulf filed a motion to dismiss, alleging that the court had no jurisdiction. However, its contention was overruled; and upon denial of a motion to reconsider, the company presented here this special civil action, challenging the Industrial Court's authority to take cognizance of the case.

We find the company's position to be meritorious. Olivar's complaint to the respondent court ended with this petition:

"WHEREFORE, it is most respectfully prayed that the respondent be ordered to reinstate your petitioner to his former work at the same rate and terms and conditions of his employment; to order respondent to pay petitioner in the amount of his back wages and or salary from the time of his unlawful discharge to the time of his reinstatement with the legal rate of interest thereon and that petitioner be paid by respondent the sum of P1,000.00 representing moral damages and the further sum of P500.00 representing attorney's fees, and likewise prays for such other relief or reliefs as are just and meet in the premises."

Such prayer followed allegations about previous employment, salary, dismissal "without any reason or cause whatsoever," fruitless demands for reinstatement, loss of wages, and moral damages. There was no allegation about a labor dispute, or unfair labor practice. There was no allegation of a fixed term of employment. So that, at most, recovery could be had under Republic Act No. 1052, as amended.

Such being the case, the Court of Industrial Relations has no jurisdiction.

"In the case at bar, it is undisputed that petitioner merely seeks his reinstatement with back wages. He does not claim any salary differential nor overtime pay that may make his case come either under the Eight-Hour Labor Law or the Minimum Wage Law. Neither does he prefer any unfair labor practice charge against his employer. Consequently, the Court of Industrial Relations has no power to act on his claim for the same is a mere money claim that comes under the jurisdiction of the regular courts." (Ignacio Campos, et al. v. Manila Railroad Company, et al., G.R. No. L-17905, May 25, 1962.)

"His claim is for back salaries and separation pay, which he contends he is entitled to because he was unjustifiably dismissed, and prayed for reinstatement. The prayer of Floresca for reinstatement, standing alone, does not bring his case within the jurisdiction of the CIR because, as has been stated above, his claim is neither about minimum wage, hours of employment, labor dispute certified by the President to the Industrial Court and no allegation is made of Unfair Labor Practice. Furthermore, even with the prayer for reinstatement and the

payment of back salaries, the CIR has no power to grant relief for in the absence of unfair labor practice, the CIR has no power to grant remedy under its general powers of mediation and conciliation, such as reinstatement or back wages. Manifestly, the CIR has no jurisdiction over the case of the respondent Floresca." (San Miguel Brewery, Inc. v. Elpidio Floresca & the CIR, G.R. No. L-15427, April 26, 1962.)

"The case at bar has not been certified by the President and is not one for alleged unfair labor practice. Neither does it involve the Minimum Wage Law or the Eight-Hour Labor Law. Peres merely claims a right to reinstatement because of the dismissal of the criminal charge of theft against him, upon which his separation from the service had been predicated. His alleged cause of action does not fall under the jurisdiction of the CIR." (Alfredo V. Perez vs. CIR & Plastics, Inc., G.R. No. L-18182, February 27, 1963.)

(See also *Cagalawan v. Customs Canteen, et al.*, G.R. No. L-16031, October 31, 1961; *Barranta v. International Harvester Company of the Phil.* G.R. No. 18198, April 22, 1963; *Fookien Times Company, Inc. v. The Hon. CIR & Flora Cruz Gallero*, G.R. No. L-16025, March 27, 1961; *Hacienda Luisita v. Alberto*, L-12137, October 31, 1958.).

Wherefore, the writ is granted, reversing the order of the Industrial Relations Court and declaring the latter to be without, jurisdiction. No costs. So ordered.

Bautista Angelo, Concepcion, Dizon, Makalintal, Bengzon, J. P., and Zaldivar, JJ., concur.

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.