

CHUNG QUIAO ALIAS BINA TAN, PETITIONER AND APPELLEE, VS. ANITA ABADAY, ET AL., RESPONDENTS AND APPELLANTS.*G.R. No. L-20315. June 30, 1964*

Ponente: BAUTISTA ANGELO, J.

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Anita Abaday and Juanita Isoy filed each a claim for underpayment of wage, overtime pay, and separation pay before the branch of the Department of Labor in Cagayan de Oro City against Chung Quiao alias Bina Tan in connection with their employment as sales girls of the latter. The two claims were assigned to a hearing officer of the local regional office for adjudication. The employer having failed to appear or answer the claims was declared in default, and the hearing officer proceeded to receive the evidence of the claimants. Thereafter, the hearing officer rendered decisions in each case sentencing the employer to pay to Anita Abaday the sum of P2,042.30 and to Juanita Isoy the sum of P529.00 within a period of 15 days from receipt of the decision.

The two decisions having become final and executory, the hearing officer issued a writ for their execution which was referred to the provincial sheriff for compliance. Whereupon, the employer filed a petition for injunction before the Court of First Instance of Misamis Oriental. Pending trial on the merits, the court, on motion of petitioner, issued a writ of preliminary injunction to restrain the sheriff from enforcing in the meantime the execution issued in the two cases above referred to.

The parties submitted a stipulation of facts, and on the strength thereof, the court a quo rendered decision declaring the two decisions rendered by the hearing officer unenforceable and making permanent the injunction that was preliminarily issued, with costs against respondents. From this decision respondents took the present appeal.

The court a quo, in declaring unenforceable and ineffective the two decisions rendered by the hearing officer of the regional office of Cagayan de Oro City, gave the opinion that under Republic Act No. 602 the hearing officer of the Department of Labor of Misamis Oriental has no power nor authority to render decision concerning recovery of wages and salaries which is unenforceable and binding against the parties because such power or authority only devolves upon courts of justice, the provision of Section 48 of the Rules of Regulations of the Labor Standard Commission to the contrary notwithstanding. And having no such power or authority, the decisions in question cannot have any binding effect and much less be enforced thru the issuance of a writ of execution, as respondent sheriff had intended to do.

But respondents disagree with this finding invoking the power given to a hearing officer by the Labor Standard Commission under Reorganization Plan 20-A adopted pursuant to the authority conferred by Republic Acts No. 997 and 1241. Thus, they contend that under Section 25, Article VI of said Plan each regional office is given original and exclusive jurisdiction over all cases affecting money claims arising from violations of labor standards on working conditions including unpaid wages, underpayment, overtime separation pay, vacation pay and payment of medical services of domestic help, and under Section 20 of the same Plan, once the decision of said

regional officer has become final and executory it may be enforced like a final decision of a court of justice, which shall be carried out by the sheriff in the same manner as a writ of execution issued by a court of justice. Respondents likewise contend that this provision of Reorganization Plan 20-A has the effect of superseding the provisions of Republic Act 602 such that now the jurisdiction to act on cases involving underpayment of wages and salaries of laborers and employees is exclusively given to the regional office of each province.

This contention, however, cannot be entertained for the reason that this Court has already held in several cases that Reorganization Plan No. 20-A insofar as labor cases are concerned is unconstitutional in that it involves an unconstitutional delegation of legislative power. On this point, we said:

"The issue raised is not new. We held in a number of cases that Reorganization Plan No. 20-A, insofar as it confers judicial powers come under the Workmen's Compensation Commission, is invalid, because it involves undue delegation of legislative power not contemplated by Republic Act 997, as amended. Nor can it be contended that the defect in the conferment of judicial powers upon labor officials has been cured because of the failure of Congress to disapprove said reorganization plan upon the theory that such failure is tantamount to an indorsement as a regular statute, for in order that a measure may be considered as regular statute the same must be duly passed in accordance with the procedure laid down by our constitution. And so, in the recent case of *Miller vs. Mardo* (and its companion cases), G. R. No. L-15138, decided on July 31, 1961, this Court reached the conclusion that said reorganization plan 'insofar as it confers judicial powers to the Regional Offices over cases other than those falling under the Workmen's Compensation Law, is invalid and of no effect.' This case comes squarely under this ruling." (*Stoll, et al. vs. Mardo, et al.*, G.R. No. L-17241, June 29, 1962; See also *Davao Far Eastern Commercial C.V. Montemayor, et al.*, G.R. No. L-16581, June 29, 1962; *Valderrama Lumber Manufacturers Co. vs. Administrator and Hearing Officer*, G.R. No. L-17783, June 30, 1962; *Gapan Farmers' Corporative Marketing Association, Inc. vs. Parial, et al.*, G.R. No. L-17024, July 24, 1962; *Gallardo, et al. vs. Manila Railroad Co.*, G.R. No. L-10919-20, September 29, 1962):

It follows that the decisions rendered by the hearing officer of Cagayan de Oro City are legally ineffective and as such cannot be enforced by a writ of execution, as correctly found by the court *a quo*.

Wherefore, the decision appealed from is affirmed, with costs against respondents.

Bengzon, C. J., Padilla, Labrador, Concepcion, Reyes, J.B.L., Paredes, Regala and Makalintal, JJ., concur.

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