

BANK OF AMERICA (MANILA BRANCH), PETITIONER, VS. THE HON. COURT OF INDUSTRIAL RELATIONS AND PHILIPPINE FEDERATION OF LABOR, RESPONDENTS.

G.R. No. L-16904. December 26, 1963

Ponente: PADILLA, J.

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PADILLA, J.:

This appeal by certiorari under Rule 44 of the Rules of Court seeks a reversal of the order en banc rendered by the Court of Industrial Relations on 12 March 1960 setting aside the order dated 10 September 1959 (Annex 4) that had dismissed the petition for payment of overtime work done during holidays and Sundays for lack of jurisdiction and remanding the case to the trial Judge for the hearing of evidence (Annex 7, Case No. 1247-V).

On 30 May 1959, the Philippine Federation of Labor, a registered labor union hereafter referred to as Federation, filed a petition with the Court of Industrial Relations praying for payment of unpaid wages for overtime work done by five members of the Federation who were security guards of the herein petitioner bank during Sundays and legal holidays from 1947 to the filing of the petition. (Annex 1). The petition also alleged that the Federation had requested the management of the bank for the holding of a conference to lay before it some grievances, such as unpaid wages for overtime work done by its employees who were members of the Federation and unfair labor practices in the matter of salary and wage increase to its employees, but the management of the bank refused to hold such conference with the representatives of the Federation. The Federation prayed that the Bank be investigated to find out the violations committed by it under C. A. No. 444, otherwise known as the Eight-Hour Labor Law, and R.A No. 875:

On 9 June 1959, the then respondent bank moved for the dismissal of the petition for want of jurisdiction of the Court of Industrial Relations, citing the rule laid down in the case of Chua Workers' Union (NLU) vs. City Automotive Company and Chua Hon. G.R. No. L-11655, 29 April 1959, and for the further reason that of more than 180 employees of the bank, only five (5) were represented by the Federation (Annex 2). On 20 June 1959, the Federation objected to the dismissal of its petition, and in support thereof invoked the rule laid down in NASSCO vs. Almin, et al., G. R. No. L-9055, 28, November 1958 which held that "even after the approval of R.A. No. 875, the Court of Industrial Relations has jurisdiction over disputes involving C.A. No. 444 and the Eight-Hour. Labor Law" and Gomez vs. North Camarines Lumber Co., Inc., 104 Phil., 294, which held that "claim for unpaid overtime wages dismissed in the Court of First Instance can be resubmitted or refried with the Court of Industrial Relation" (Annex 3).

On 10 September 1959, the trial court dismissed the petition on the ground that it "is no longer vested with the power or jurisdiction to pass on the merits of cases involving claims for unpaid overtime or wage differentials after the passage and effectivity of Rip. Act No. 875 on 17 June 1953, (Aguilar vs. Salumbides, G. R. No. L-10124; Mindanao Bus Employees Labor Union (PLUM) vs. The Mindanao Bus Company, et al., G.R. No. L-9795, both promulgated on 28 December 1957; PAFLU vs. Tan, 99 Phil., 854; 52 Off. Gaz. 5836; Reyes vs.

Tan, 99 Phil., 880; 52 Off. Gaz. 6187; PAFLU vs. Barot, 99 Phil., 1008; 52 Off. Gaz. 6544, promulgated October 31, 1957)." The order also held that although the Court had exclusive jurisdiction to try cases of unfair labor practices as well as of refusal to hold grievance conference under Sec. 5 (a) and section 4 (a) (4) of R.A. No. 875, yet the petition of the Federation lacks the legal requisites of a formal complaint under Sec. 5(b) in relation to Sec. 4(a) of the Republic Act, and, there had been no preliminary investigation conducted by the prosecution division of the Court. The dismissal of the petition, however, was without prejudice to the filing of charges of unfair labor acts against the bank. (Annex 4). On 15 September 1950, the Federation moved for the reconsideration of the order of dismissal, contending that the order is contrary to law, and praying for ten (10') days within which to submit a memorandum (Annex 5). In its memorandum dated 22 September 1959, the Federation invoked the rule laid down in the case of Monares vs. CNS Enterprises, et al., G. R. No. L-117491, 29 May 1958 (Annex 6).

On 12 March 1960, the respondent Court adopted the resolution appealed from as stated at the outset of this opinion.

The only point to determine is whether the respondent Court has jurisdiction over cases involving unpaid overtime work rendered during Sundays and legal holidays by some members of the respondent Federation, who from 1947 to the present, have been employed as security guards by the petitioner bank. The claim for unpaid wages for work done by the employees during Sundays and legal holidays, if the services had really been rendered by them and have not been paid by the employer constitutes and is a grievance that may lead to a strike, because the claimants continue in the employ of the petitioner bank. Such being the case, the respondent court has jurisdiction to hear and decide the case.

The order under review is affirmed without pronouncement as to costs.

Bengzon, C.J., Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Barrera, Dizon, and Makalintal, JJ., concur.

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