

LEONARDO V. FIGUEROA, PETITIONER AND APPELLANT, VS. ELISEO SAULOG, MANAGER AND OPERATOR OF SAULOG TRANSPORTATION, INC., RESPONDENT AND APPELLEE.*G.R. No. L-12745. June 29, 1959*

Ponente: MONTEMAYOR, J.

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This an appeal from the order of the Court of First Instance of Rizal (Pasay City Branch) dated December 20, 1956, denying" petitioner-appellant's petition for execution of the order of the Wage Administration Service (WAS) dated July 12, 1955 in WAS Case No. C-3271 "awarding in favor of petitioner-appellant and against respondent-appellee the sum of P11,618.96 representing unpaid overtime compensation due the former."

The facts in this case are not disputed. Petitioner Leonardo V. Figueroa was a bus inspector of the Saulog Transportation, Inc. for several years. He allegedly worked from 6:00 a.m. to 6:00 p.m. each day of duty with a break of 15 minutes for lunch time. After his separation from the service, he filed with the WAS a claim for unpaid overtime compensation. The WAS notified respondent-appellee Saulog Transportation, Inc. of the claim and requested it to appear during the hearing. Despite the notification, however, respondent-appellee never appeared, and Figueroa was allowed to present his evidence after which the WAS issued its so-called "decision" sought to be enforced, at the same time requesting respondent-appellee to pay petitioner the sum of P11,816.96 within five (5) days.

On October 22, 1956, that is, more than one year from the date of the rendition of the so-called decision of the WAS, Figueroa filed with the trial court his petition for the issuance of a writ of execution of the decision of the WAS. Respondent-appellee opposed the petition on the ground that the trial court was not authorized to execute or enforce decisions of the WAS, that said decision of the WAS sought to be enforced was illegal, issued without authority of law, unenforceable not only by the WAS but also by the Court of First Instance; and that said decision of the WAS was not *res judicata*, because that body was not a competent court.

On December 20, 1956 the trial court issued the order appealed from, denying the petition for execution on the ground that it "has no power to execute the decision sought to be executed.

The case of *Venancio Potente vs. Saulog Transit, Inc.*,* G. R. No. L-12300, promulgated on April 24, 1959, is quite similar to the present case. Plaintiff Potente in. that case was also a bus inspector of the same respondent transportation company. Potente filed a claim with the WAS for the collection of overtime compensation. The Acting Chief of the Wage Protection Division recommended approval of the claim, and the same was approved by the Acting Chief of the WAS. Over a year later, Potente filed with the Court, of First Instance of Rizal, a petition for execution alleging that the decision of the WAS on his claim had become final and executory, no appeal having been taken therefrom by the company, and praying that a writ of execution be issued in his favor to satisfy his claim of P8,359.75, the amount approved by the WAS. Without either notice to the company, or hearing, the trial court issued an order granting the petition and ordering the issuance of the writ of execution. On appeal to us,

we reversed the appealed order of the trial court. Thru Mr. Justice Concepcion, we said:

"The issue before us is whether a 'decision' of the WAS, finding that Potente is entitled to recover P8,359.75, from his former employer, by way of unpaid overtime compensation, may be ordered executed by a court of justice, without an ordinary action for the recovery of said sum of money, and without a decision of such court sentencing the employer to pay the aforementioned amount: It is obvious to us that the answer must be negative.

* * * * *

"In other words, the WAS may cause the employer to satisfy the unpaid wages through mediation, arbitration, or court action, and by no other means. It has an authority to render a 'decision'— in the sense in which this term is used in legal parlance—on the claim for wages, except insofar as it has to determine whether, in its opinion, the Claim is meritorious, as a condition precedent to the institution, before 'any competent court,' of an ordinary 'action' for the recovery of the sum of money it considers due to the claimant. But, then no writ of execution shall issue, except when the judgment rendered by said court—after due notice and hearing, as demanded by the tenets of due process and provided in the Rules of Court—shall have become final and executory."

On the basis of the aforementioned decision of this Court in *Potente vs. Saulog Transit, Inc.*, supra, there is no alternative but to affirm the order of dismissal of the trial court.

Our attention is being called to the case of *Brillantes vs. Castro*, 99 Phil., 497; 56 Off. Gaz., (29) 4621, in support of appellant's theory that a decision of the WAS, if not appealed, becomes final, conclusive and executory. There is, however, a great difference between the case of *Brillantes* and the present case. In that case of *Brillantes*, the parties therein formally—

"entered into an Arbitration Agreement whereby they agreed

"1. That they submit their case to the Wage Administration Service for investigation; and "2. That they bind themselves to abide by whatever decision this Office may render on the case and that they recognize said decision to be final and conclusive"; that in accordance with the said agreement, the parties, assisted by their respective counsel, adduced evidence before the Wage Administration Service;"

In the present case, there was never such an agreement, and as already stated, respondent-appellee never appeared before the WAS or attended any of its hearings.

In view of the foregoing, the order appealed from is affirmed, with costs against petitioner-appellant.

Paras, C. J., Bengzon, Padilla, Bautista Angela, Concepcion,, Endencia, and Barrera, JJ.,
concur.

[*] Supra, p. 525.

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