

JUAN JUSTO, PROPRIETOR AND OPERATOR OF JUSTO RICE MILL, PETITIONER, VS. THE HON. COURT OF INDUSTRIAL RELATIONS AND TEODORO SEMODIO, RESPONDENTS.

G.R. No. L-22173. July 07, 1966

Ponente: BENGZON, J.P., J.

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BENGZON, J.P., J.:

This is a petition for certiorari to review a decision and a resolution en banc of the Court of Industrial Relations.

Teodoro Semodio filed on July 21, 1959 in the Court of Industrial Relations, Pangasinan Branch (at Dagupan City), a complaint against Juan Justo, docketed as CIR Case No. 22-V-PANG.

The suit was for recovery of differential pay, overtime pay and separation pay. Among other things, it was alleged in the complaint:

"2. That respondent is the owner and operator of a RICE AND CORN MILL situated at the poblacion, San Quintin, Pangasinan, which is publicly engaged in the business or industry of milling rice and corn for a lee, the said ricemill being better known as the JUAN JUSTO RICEMILL;

"3. That the respondent employed the herein petitioner in his said business as ricemill mechanic and engine tender (aparatista) effective March, 1955 on the regular basis with fixed compensation at the rate of P35.00 per month;

* * * * *

"5. That petitioner's said employment was without a fixed term and that petitioner worked and stayed on the job or employment for a total of FOUR (4) years, more or less;

"6. That on December 28, 1958, respondent summarily dismissed the petitioner without just cause or causes, and without giving him the requisite ADVANCE NOTICE of his dismissal in writing nor the equivalent salary of petitioner in lieu of said notice, which should be in the amount of P240.00, as provided by law;"

Respondent therein, Juan Justo, filed his answer on August 5, 1959. And on September 21, 1959, he filed a motion to dismiss upon the ground, inter alia, that the Court of Industrial Relations had no jurisdiction over the subject matter of the action;

Said motion was denied by Order of the Court of Industrial Relations on January 11, 1960. A motion for reconsideration of said denial was likewise subsequently denied by a resolution en banc.

On July 27, 1960, Teodoro Semodio filed a motion in the Court of Industrial Relations for leave to amend his petition to include a claim for reinstatement, attaching to said motion the amended petition. Respondent therein, Juan Justo, on August 10, 1960, filed an opposition upon the ground that such amendment would change the nature of the petition from one falling under the jurisdiction of the Court of First Instance to one within the jurisdiction of the Court of Industrial Relations. Resolving this, the Industrial Relations Court granted, on October

11, 1960, the motion to amend. Subsequently, on October 30, 1960, answer to the amended petition was filed.

Again, on October 11, 1961, Juan Justo filed a motion to dismiss the petition on the ground that the Court of Industrial Relations had no jurisdiction to allow the aforementioned amendment. Said motion was also denied on October 24, 1961. Similarly, a motion for reconsideration on this point was denied en banc.

After trial, a decision was rendered by the Court of Industrial Relations on July 2, 1963. It stated that said court had no jurisdiction as to the claims for separation pay and for differential pay below the statutory minimum wage. It however ruled itself with jurisdiction as to the claim for overtime pay, awarding the same as to those portions of said claim that it held not yet barred by prescription. Furthermore, it ordered that Teodoro Semodio be reinstated.

As to said decision, Juan Justo moved for reconsideration, but his motion was denied by the Court of Industrial Relations en banc in its resolution of August 23, 1963. And, hence, this petition was filed.

Two interrelated issues are raised herein: First, did the Court of Industrial Relations have jurisdiction over the subject matter of the action filed before it? Second, did said court rightly allow amendment of the complaint to include a claim for reinstatement?

It is settled that the Court of Industrial Relations has no jurisdiction over cases for recovery of differential pay, separation pay and overtime pay, where the employer-employee relationship has terminated and the petitioner does not ask for reinstatement.[1]

From the allegations in the petition filed on July 21, 1959 with the Court of Industrial Relations, a claim for reinstatement was nowhere stated. It follows that the Court of Industrial Relations was from the outset devoid of jurisdiction over said petition.

It is a rule equally settled that where it appears from the face of the complaint that the court has no jurisdiction over the subject matter of the case, an amendment of the complaint, so as to confer jurisdiction upon the court, can not be allowed.[2] Respondent Court of Industrial Relations, therefore, could not have allowed the amendment of the petition, on October 11, 1960, upon a motion therefor presented after more than one year from the time the petition was filed. Since it had no jurisdiction to act in the case at all, it had no jurisdiction to allow amendments of pleadings therein.

Wherefore, the decision of July 2, 1963 and resolution en banc dated August 23, 1963, of the Court of Industrial Relations, are hereby reversed and set aside, and the petition therein docketed as Case No. 22-V-PANG., is hereby dismissed for lack of jurisdiction. No pronouncement as to costs. It is so ordered.

Concepcion, C. J., Reyes, J. B. L., Barrera, Dizon, Regala, Makalintal, Zaldivar and Sanchez, JJ., concur.

Decision and resolution reversed and set aside.

[1] Aguilar vs. Salumbides, L-10124, December 28, 1957; Roman Catholic Archbishop of Manila vs. Yanson, L-12341 & 12345, April 30, 1958; Monares vs. CNS Enterprises, L-11749, May 29, 1959; Pokien Times vs. CIR, L-16025, March 27, 1961; Campos vs. MRR, L-17905, May 25, 1962; Board of Liquidators vs. CIR, L-14366, October 31, 1962; Nobel vs. Cabije, L-18206, April 23, 1963.

[2] Rosario vs. Carandang, 96 Phil. 845; Campos Rueda Corp. vs. Bautista, L-18453, September 29, 1962; American Oxygen & Acetylene Co. vs. CIR, L-18554, December 27, 1962.

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