

NATIONAL RICE AND CORN CORPORATION (NARIC), PETITIONER, VS. NARIC WORKERS UNION, ET AL., RESPONDENTS.

G.R. No. L-12075. May 29, 1959

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

In Case No. 746-V of the Court of Industrial Relations, entitled NARIC Workers Union vs. National Rice and Corn Corporation, the industrial court promulgated a decision dated February 15, 1956 directing that the corporation pay to its workers 25 per cent additional compensation for night work rendered by them.

On May 21, 1956, upon motion of the union, the industrial court issued an order directing its chief examiner, or any of his assistants, to compute the additional compensation for night work granted in the decision covering the period from October 3, 1952 to February 16, 1953. The chief examiner acted as directed and submitted his report to the court on August 1, 1956. The report shows that there are 163 workers and employees of the corporation who have rendered night work from October 3, 1952 to February 16, 1953 and the 25 per cent additional compensation of said workers and employees computed on the basis of their respective monthly salaries amounted to P5,221.84.

On September 24, 1956, the union filed with the court a petition for execution of the decision praying that the corporation be ordered to deposit with the court the said sum of P5,221.84. On September 27, 1956, the corporation filed its opposition contending that said motion is premature because the report of the examiner has not yet been passed upon and approved by the court and therefore is not yet final.

The motion, as well as the opposition, were set for hearing, during which the chief examiner was called upon to explain his report. He stated that in making his report he considered any and all work performed between 6:00 o'clock in the afternoon and 6:00 o'clock in the morning as "flight work" and accordingly has awarded each employee or worker an additional compensation of 25 per cent for "night work". He further stated that if a particular employee worked from 8:00 o'clock in the morning to 5:00 o'clock in the afternoon and then rendered overtime service from 5:00 o'clock in the afternoon of the same day to 7:00 o'clock in the evening of the same day, he considered the work from 5:00 to 6:00 p.m. as overtime work and entitled to 25 per cent additional compensation as overtime work, and the same work from 6:00 to 7:00 p.m. as both overtime work and night work and therefore entitled to 25 per cent additional compensation as overtime work and another 25 per cent additional compensation as night work.

Notwithstanding the opposition of the corporation to the report of the chief examiner as explained by him, the industrial court issued an order on December 28, 1956 approving the same and ordering the corporation to deposit with said court the amount of P5,221.84 within five days from receipt of the order. On January 3, 1957, the corporation filed a motion for reconsideration praying that a recomputation of the additional compensation due the employees be ordered, but the Court of Industrial Relations en banc issued a resolution on February 13, 1957 stating that it finds no sufficient justification for altering or modifying its previous order. Hence the present

petition for review.

The main issue raised by the corporation is: "Should the employee performing his regular eight hours work during the daytime from 8:00 o'clock in the morning to 12:00 o'clock at noon and from 1:00 o'clock to 5:00 o'clock in the afternoon * * * be paid for his services from 5:00 o'clock to 9:00 o'clock in the afternoon as 'overtime work' and at the same time be paid from 6:00 o'clock to 9:00 o'clock in the evening as night work?"

The respondent court, in issuing its order of December 28, 1956, as well as its resolution en banc dated February 13, 1957, has in effect held that "night work" is any and all work rendered between 6:00 o'clock in the afternoon and 6:00 o'clock in the morning, and consequently, if a certain employee performs his regular eight hours up to 5:00 o'clock in the afternoon and renders overtime from 5:00 p.m. to 9:00 p.m. of the same day, the said employee is entitled to an additional compensation for overtime services from 5:00 p.m. to 9:00 p.m. and at the same time to additional compensation for "night work" from 6:00 p.m. to 9:00 p.m. for the very same work. In other words, respondent court upheld the manner of computation made by its chief examiner in implementing its decision rendered on February 15, 1956. This interpretation of the term "night work" is, according to the corporation, erroneous for it runs counter to the definition given to said term by this Court in *Shell Company of the Philippines vs. National Labor Union*, 81 Phil., 315; 46 Off. Gaz., 97.

Thus, in said case, the following comment was made: "The night work which the Shell company demands of its laborers is not merely an overtime work in the sense in which this word is used in Act No. 444, but it is in reality a complete working day also of eight hours, only that, instead of its being' done at daytime, it is performed at night. In other words, the night work referred to here is not an excess, extension or overtime of the regular work during the day time, but it is rather another kind of work absolutely independent of the work being done during the day. For this reason, there are two shifts: the shift of laborers who work during the day and the shift of those who work at night." (Translated into English)

While it is true that this Court made the above comment in the aforementioned case, it does not intend to convey the idea that work done at night cannot also be an overtime work. The comment only served to emphasize that the demand which the Shell company made upon its laborers is not merely an overtime work but night work and so there was need to differentiate night work from daytime work. In fact, the company contended that there was no law that required the payment of additional compensation for night work unlike an overtime work which is covered by Commonwealth Act No. 444 (Eight Hour Labor Law). And this Court in that case said that while there was no law actually requiring payment of additional compensation for night work, the industrial court has the power to determine the wages that night workers should receive under Commonwealth Act No. 103, and so it justified the additional compensation given to night workers by the industrial court in the Shell case for "hygienic, medical, moral, cultural and sociological reasons." That case therefore cannot be invoked as an authority for concluding that one who does night work cannot be paid additional compensation for the same work as overtime. One is paid for his work done during the night and the other is paid because it is in excess of the regular eight-hour work he may be legally required to do. One is done for reasons of health and the other because of an express mandate of the law (Commonwealth Act No. 444). We find therefore correct the computation made by the chief examiner as affirmed by the industrial court.

The logic of this conclusion may be better seen by an example. Let us suppose that the workers of an industrial company work in three shifts: one from 8:00 o'clock a.m. to 4:00 o'clock p.m.; another from 4:00 o'clock p.m. to 12:00 o'clock p.m.; and still another from 12:00 o'clock p.m. to 8:00 o'clock a.m. Supposing that night work begins from 6:00 o'clock p.m. and ends at 6:00 o'clock a.m. (Article 13, New Civil Code.) Under the law and jurisprudence, the first shift workers will have to be paid a compensation as day workers; the second shift workers will have to be paid partly as day workers and partly as night workers; and the third shift workers will have to be

partly paid as night workers and partly as day workers.

Supposing again that the second shift workers, for some justifiable reasons, are required to extend their work from 12:00 o'clock p.m. to 2:00 o'clock a.m. Under the law, they are entitled to additional compensation for overtime work on the basis of their wages as night workers. If the first shift workers were required to extend their work up to 8:00 o'clock p.m., is it not fair and logical that for the two hours they work at night (6:00 to 8:00) they also be paid an overtime compensation on the basis of wages paid for night workers? This is the only logical conclusion based on our ruling in the Shell case which requires payment of additional compensation for night work. In other words, work done at night should be paid more than work done by the chief examiner. Respondent court is there-workers regular hour of duty, he should also be paid additional compensation for overtime work. This is what was done by the chief examiner. Respondent court, is therefore justified in affirming his report.

Wherefore, the order and resolution appealed from are affirmed, with costs against petitioner,

Paras, C. J., Bengzon, Padilla, Reyes, A., Labrador, and Endencia, JJ., concur.

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