

MERCY A. DE VERA, DOING BUSINESS UNDER THE NAME AND STYLE OF M. C. BOOK STORE, PETITIONER AND APPELLEE, VS. FLORDELIZA PALOMA SUPITRAN, CECILIA C. PURAY, F. A. FUENTES AND GERON...

G.R. No. L-13945. July 31, 1961

Ponente: PADILLA, J.

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PADILLA, J.:

This is a petition for prohibition with preliminary injunction.

On 6 January 1958 the petitioner Mercy A. de Vera, doing business under the name and style of M. C. Book Store, filed a petition in the Court of First Instance of Manila alleging that the respondent Flordeliza Paloma Supitran, who had been employed by the petitioner as bookkeeper from 6 October 1955 to 17 July 1957, filed a complaint dated 10 September 1957 in the Regional Office No. 3 of the Department of Labor for recovery of the sum of P1,239.44 for services rendered beyond eight hours from 6 October 1955 to 17 July 1957, under the provisions of Commonwealth Act No. 444; P440, the difference between what had been paid and what should have been paid to her from 6 October 1955 to 31 May 1956, under the provisions of Republic Act No. 602, and P80 maternity leave pay from 26 October to 16 November 1956, under the provisions of Republic Act No. 679, or a total of P1,759.44 (RO3 LS 647, Annex A); that the respondent Cecilia A. Furay, who had been employed by the petitioner as saleslady from 12 June 1954 to 7 July 1957, filed a complaint dated 24 October 1957 in the same office for recovery of the sum of P1,498, the difference between what had been paid and what should have been paid to her from 12 June 1954 to 31 January 1957, under the provisions of Republic Act No. 602, P2,055.06 for services rendered beyond eight hours from 12 June 1954 to 7 July 1957 under the provisions of Commonwealth Act No. 444; P504 as maternity leave pay on two instances when she gave birth while still employed by the petitioner, under the provisions of Republic Act No. 679, and P180 one month separation pay in lieu of notice under the provisions of Republic Act No. 1052, as amended (RO 3 LS 795, Annex B); that the respondents F. A. Fuentes, Administrator, and Geronimo Cordero, Hearing Officer, of the Regional Office No. 3 of the Department of Labor, have arrogated unto themselves judicial functions not conferred upon them by law by hearing or about to hear the respondent employees' evidence in support of their respective claims and thereafter to render judgment to be enforced by writs of execution to be issued by the respondent officers after their decision shall have become final; and that the petitioner has refused to submit to the jurisdiction of the said office because it is not vested with judicial or quasi-judicial functions to hear and determine the respective claims of the respondent employees. She prayed that a writ of preliminary injunction be issued directing the respondent officers, their agents and attorneys, to desist from hearing and determining the respective claims against her brought by the respondent employees; that after hearing judgment be rendered declaring Regional Office No. 3 of the Department of Labor without jurisdiction to hear and determine the respondent employees' respective claims; and for other just and equitable relief (special civil action No. 34729).

On 7 January 1958 the Court ordered the respondents to answer the petition within ten days from receipt of notice.

On 20 January 1958 the respondent employees filed their answer to the petition denying the material averments of the petitioner's complaint and asserting that the respondent officers are vested with quasi-judicial functions to hear and determine their respective claims, as provided for by Republic Act No. 997, as amended, and praying that the petition be dismissed.

On 25 January 1958 the respondent officers filed their answer to the petition specifically denying the material averments of the petitioner's complaint and setting up the affirmative defense that since they are performing only quasi-judicial functions and not judicial or ministerial functions, prohibition will not lie; that the petitioner does not allege the absence of "appeal or any other plain, speedy, and adequate remedy in the ordinary course of law," which failure is fatal to her case; and that even if it were so alleged, the petitioner's case is premature because under "Section 20 (b) of Plan No. 20-A," "a decision of a Regional Office may be appealed to the Labor Standards Commission whose decision is, in turn, appealable to the proper Court of First Instance."

On 31 January 1958 the parties entered into a stipulation of facts and on 4 February 1958 submitted it to the Court for consideration and determination. Said stipulation provides:

The parties agree on the following stipulation of facts:

- That defendants admit paragraph 1 of the complaint; they also admit paragraph 2; and that defendants filed complaints, Annexes A and B, to the complaint with the Regional Office No. 3, Department of Labor; these complaints being found on pages 8 to 11 of the record;
- That defendants F. A. Fuentes is the Administrator and Geronimo Cordero is the Hearing Officer, respectively, of Regional Office No. 3, Department of Labor; and in that capacity they have given due course to the complaints, Annexes A and B, and intend to go ahead with the hearing and determination of said complaints, Annexes A and B, pursuant to the authority which they believe sustains them, namely, the Reorganization Plan No. 20-A, and Executive Order No. 218, in relation to Republic Act No. 997 as amended by Republic Act No. 1241; they are conducting but have not yet finished and are intending to continue conducting proceedings whereby evidence both testimonial and documentary will have to be adduced and after that they intend to render judgment that may become final and enforce the same by writ of execution, their authority being what has already been stated above;
- That plaintiff contends and she had always contended since the beginning that defendants have no such authority and that they have attacked the validity of such authority as are those mentioned in the complaint of plaintiff; but defendants contend that they have that authority as already mentioned in the above-mentioned plan, executive order and republic acts.
- That the parties submit this case for decision based on the foregoing stipulation of facts and only ask for time to be permitted to present their respective memoranda.

Wherefore, it is respectfully prayed that the foregoing stipulation of facts be approved. (pp. 29-30, record.)

After the parties had filed their respective memoranda, on 27 May 1958 the Court rendered judgment holding that Reorganization Plan No. 20-A on labor, prepared and submitted to the President of the Philippines by the Government Survey and Reorganization Commission, pursuant to Republic Act No. 997, as amended, was not validly approved by Congress and was not enacted into law in accordance with subsection 2, section 21, Article VI, of the Constitution, and that Regional Office No. 3 of the Department of Labor have not been vested with judicial functions to hear and determine claims for recovery of sums of money, declaring the respondent officers without authority to hear and determine the respondent employees' claims for recovery of overtime, wage differential, maternity leave and separation pays, and granting the writ prayed for, without pronouncement as to

costs.

The respondent officers have taken this appeal.

In *Corominas, et al. vs. Labor Standards Commission, Manila Central University vs. Calupitan, Wong Chun vs. Carlim, and Balrodgan Co., Ltd., et al. vs. Fuentes, et al.*, supra p. 551, this Court held "that the provision of Reorganization Plan No. 20-A, particularly Section 25, which grants to the regional offices original and exclusive jurisdiction over money claims of laborers, is null and void, said grant having been made without authority by Republic Act No. 997."

The judgment appealed from is affirmed, without pronouncement as to costs.

Bengzon, C. J., Labrador, Concepcion, Reyes, J. B. L., Paredes, Dizon, De Leon, and Natividad, JJ., concur.

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