

**PHILIPPINE ENGINEERS’ SYNDICATE, INC., PETITIONER VS.
HON. JOSE S. BAUTISTA, ARSENIO I. MARTINEZ, BALTAZAR M.
VILLANUEVA, EMILIO C. TABIGNE AND AMADO C. BUGAYONG,
PRESIDING JUDG...**

G.R. No. L-16440. February 29, 1964

Ponente: BENGZON, C.J.

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BENGZON, C.J.:

This is a special civil action to prevent the Court of Industrial Relations from assuming jurisdiction of a suit for additional compensation for night work.

It appears that on December 28, 1958, respondent Federico Benitez together with sixty four (64) other employees of petitioner, a domestic corporation engaged in the construction business, lodged a complaint with respondent court (Case No. 12-V Pang.) alleging that they had been employed by the firm in various capacities; that they had rendered nighttime service during certain periods at various rates per hour; that for jobs similar nature and category, petitioner only paid them wages equivalent to those of workers on the day shift, without any extra compensation for night work; that for such night work, they were entitled to additional compensation of fifty per centum (50%); and that to prosecute their claim, they were forced to hire counsel for an agreed fee of ten percent (10%) of such claim. The complaint attached a schedule of their names, badge numbers, rates of pay, number of days, total day time compensation actually received and the expected 50% differential increment pay.

On January 22, 1959, petitioner moved to dismiss the complaint, asserting mainly that respondent court had no jurisdiction over the subject matter; other grounds cited were that another action was pending between the same parties before Regional Office No. 1 (ROI-W No. 404) for identical cause; and that the workers' demands had been duly met.

On August 18, 1959, the Presiding Judge below ruled that his court was competent to pass upon the complaint; ha deferred resolution of the other grounds for dismissal and directed petitioner to answer the complaint within five days from receipt of his order. Upon denial of the motion for reconsideration of such ruling by the Court en banc petitioner filed the instant petition.

Only one issue is raised whether or not upon the enactment of Republic Act 875, the CIR lost its jurisdiction over claims for additional compensation for regular night work. Petitioner says that this Act reduced the jurisdiction of respondent court and limited it to specific cases which This Court has defined as: * * * (1) when the labor dispute affects an industry which is indispensable to the national interest and is so certified by the President to the industrial court (Sec. 10, Republic Act 875); (2) when the controversy refers to minimum wage under the Minimum Wage Law (Republic Act 602) ; (3) when it involves hours. of employment under the Eight-Hour Labor Law (Commonwealth Act 444); and (4) when it involves an unfair labor practice [Sec. 5, (a) Republic Act 875]".[1]

Petitioner insists that respondents' case falls in none of these categories because as held in two previous cases, night work is not overtime but regular work; and that respondent court's authority to try the case cannot be implied from its "general jurisdiction and broad powers" under Commonwealth Act 103 because Republic Act 875 precisely curb such powers limiting them to certain specific litigations, beyond which it is not permitted to act.

We believe petitioner to be in error. Its position collides with our ruling in the Naric case[2] where we held:

"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 requiring 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 in the Shell case for 'hygienic, medical, moral, cultural and sociological reasons.' "

Apropos the issue of jurisdiction, this Court in the same Shell case spoke in this fashion;

"La cucstion que, a nuestro juicio, se debe determinar es si entre las facultades generales de la Corte de Relaciones Industriales que estan admitidas sin disputa, esta la de considerar la jornada de noche como una jornada completa de trabajo; la de estimarla como mas gravosa que la jornada de dia; y consiguientemente, la de proveer y ordenar que se remunere con un 50% mas de los salarios regulares diurnos. Nuestra contestation es afirmativa : todo esto se halla comprendido entre los poderes generates de la Cort de Relaciones Industriales. Si este tribunal tiene, en casos de disputal, el poder fijar los salaries que estime justos y razonables para el trabajo de dia, no hay razon por qué no ha de tener el mismo poder con respecto a lossalarios de noche; es tan trabajo lo uno como lo otro. " * * * ."[3]

True, in PAFLU, et al. vs. Tan, et al., supra, and in a series of cases thereafter, we held that the broad powers conferred by Commonwealth Act 103 on the CIR have been curtailed by Republic Act 875 which limited them to the four categories therein expressed, in line with the public policy of allowing settlement of industrial disputes with the collective bargaining process; but we find no cogent reason . for concluding that a suit of this nature for extra compensation for night work falls outside the domain of the industrial court. Withal the record does not show that the employer-employee relation between the 65 respondents and the petitioner had ceased.

After the passage of Republic Act No. 875, this Court has not only upheld the industrial court's assumption of jurisdiction over cases for salary differentials and overtime pay[4] or for payment of additional compensation for work rendered on Sundays and holidays and for night work⁵ but has also supported such court's ruling that work performed at night should be paid more than work done at daytime, and that if that work is done beyond the worker's regular hours of duty, he should also be paid additional compensation for overtime work [5] Besides, to hold that this case for extra compensation now falls beyond the powers of the industrial court to decide, would amount to a further curtailment of the jurisdiction of said court to and that if that work is done beyond the worker's regular hours of duty, he should also be paid additional compensation for overtime work. [6] Besides to hold that this case for extra compensation now falls beyond the powers of the industrial court to decide, would amount to a further curtailment of the jurisdiction of said court to an extent which may defeat the purpose of the Magna Carta to the prejudice of labor. [7]

WHEREFORE, the contested order of August 18, 1959, and the resolution en banc of October 13, 1959, are

hereby affirmed; the instant petition is dismissed at petitioner's cost,

Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L. Barrera, Paredes, Dizon and Regala, JJ., concur.

[1] Paflu et al., vs. Tan et al., 99 Phil., 854; 52 Off. Gaz. No. 13, 5836.

[2] National Rice and Corn Corp. (NARIC) vs. NARIC Workers Union, et al., 105 Phil., 891

[3] Shell Co. contra National Labor Union, Ibid at 325-326.

[4] Chua Workers Union (NLU) us. City Automotive Co. et al., G. R. No. L-11655, April 29, 1959; Prisco. vs. CIR et al., 108 Phil.,134.

[5] Nasco vs. Almiti, et al., 104 Phil., 835; Detective & Protective Bureau Inc. vs. Felipe Guevarra, et al., G. R. No. L-8738, May 31, 1957.

[6] Naric vs. Naric Workers Union et al., 105 Phil., 891, citing Shell Co. vs. NAtional Labor Union, 81 Phil. 315.

[7] Luis Recato Dy et al., vs. CIR., G. R. No. L-17788, May 25, 1962.

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