

MANUEL TIBERIO, PETITIONER, VS. MANILA PILOTS ASSOCIATION, RESPONDENT.*G.R. No. L-17661. December 28, 1961*

Ponente: BAUTISTA ANGELO, J.

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Petitioner filed a complaint in the Court of Industrial Relations against respondent to recover the amount of P5,204.37 as overtime compensation for services rendered, plus attorney's fees and costs. He alleged that he rendered service to respondent as sailor from June 7, 1953 to June 30, 1955 when he went on vacation because of illness. In its answer, respondent set up two special defenses, namely: (1) lack of jurisdiction on the part of the court over the subject matter, and (2) that the action has prescribed. Later, respondent filed a motion to dismiss based on the same grounds, to which petitioner filed a written opposition. Thereafter, the court, on March 15, 1960, issued an order declaring itself without jurisdiction, and this order having been affirmed by the court en banc, petitioner interposed the present petition for review.

We find that the industrial court erred in dismissing the complaint on the ground of lack of jurisdiction for the reason that, while it apparently merely involves a claim for overtime compensation and it does not appear that petitioner seeks reinstatement to his former position, there is an allegation in the complaint from which it may be inferred that between petitioner and respondent there still exists the employer-employee relationship at the time the former filed his complaint. Thus, it appears in paragraph 2 of the complaint that petitioner was employed by respondent as sailor from June 7, 1953 to June 30, 1955, "when claimant went on vacation because of illness." This is an indication that at the time of the filing of the action petitioner was still in the employ of respondent even if he was then on leave because of illness and such averment still stands because there was never a trial on the merits since the action was dismissed merely on a motion to dismiss. It is well-settled in this jurisdiction that when a complaint involves the recovery of unpaid wages or overtime pay and it appears that there still exists between claimant and respondent an employer-employee relationship, the industrial court has jurisdiction to act thereon even if the complaint, does not include any prayer for reinstatement.

Thus, in a parallel case recently decided by this Court, we held:

"In the face of the clarification made in the PRISCO case wherein the apparent conflicting rulings of this Court regarding collection of money claims for overtime services had been explained or reconciled, it should now be considered as a settled doctrine that when the complaint involves the recovery of wages for overtime services rendered by an employee or laborer the Court of Industrial Relations has exclusive jurisdiction to act thereon if it appears that there exists between the claimant and respondent an employer-employee relationship, or if such no longer exists, if the complaint includes a prayer for reinstatement to the service." In the instant case, that relationship existed not only when the petition was filed before the Court of Industrial Relations but it even exists up to the present so much so that it was alleged therein that when respondent union and the twenty-eight members who joined in filing the petition filed their demands for improvement of their working conditions and of their wages and were not given any attention, they gave notice to strike to the Conciliation Service of the Department of Laborer which was still pending negotiation at the time the present petition was filed before the

industrial court. This case, therefore, comes within the purview of our ruling in the PRISCO case and hence the industrial court has jurisdiction over the same." (Sampaguita Pictures, Inc., et al. vs. Court of Industrial Relations, et al., 109 Phil., 816; 60 Off. Gaz., [52] 8583.

The most that can be said on the part of respondent is that petitioner's allegation that he was yet in its employ although he only went on vacation because of illness is that the same was denied by respondent in its answer, but such denial does not render that averment nugatory, but merely reduces it to the category of evidentiary matter. This matter should be threshed out when the trial of the case is held on the merits, not before.

The second ground on which the industrial court based its order of dismissal is prescription predicated on Section 7-a of Republic Act 1993 which provides that an action to enforce any claim shall be commenced within 3 years after the cause of action has accrued, because, according to the court, the cause of action of petitioner accrued on June 30, 1955 and he filed his complaint only on June 7, 1960. We also find this ruling devoid of merit it appearing that petitioner prior to the instant case filed a claim for the same overtime compensation against respondent with the Department of Labor, first on August 8, 1957 (Case No. C-8204), and again on March 18, 1958 (Case No. C-8855), which apparently have not yet been acted upon when the instant case was filed. The filing of said claims with the Department of Labor which at that time was the proper office authorized to act thereon had the effect of interrupting the prescriptive period embodied in said Republic Act No. 1993.

With regard to the claim that the industrial court has no jurisdiction to act on the present claim because since the promulgation of Reorganization Plan No. 29-A and the issuance of Executive Order No. 218 the case was placed under the exclusive jurisdiction of the regional office of Manila, suffice it for us to quote hereunder what we said in the case of Carominas, Jr. et al. vs. Labor Standards Commission, et al., 112 Phil., 551; 59 Off. Gaz., [43] 7432 relative to the validity of said Reorganization Plan:

"A cursory study of these provisions of Republic Act No. 997 will show that nowhere therein is there a grant of authority to the Government Survey and Reorganization Commission to grant powers, duties and functions to offices or entities to be created by it, which are not already granted to the offices or officials of the Department of Labor. Section 4 above quoted authorizes the elimination of overlapping services, activities and functions, and the consolidation of agencies or instrumentalities exercising said duties and functions. There is no grant of power to allocate to the bodies and offices to be created or set up functions, powers and duties not then already vested in the various offices and officials of the Department of Labor. Section 3 limits the powers of reorganization by the Commission to the offices, bureaus and instrumentalities of the Executive Branch of the Government only. So that it was not the intention of Congress, in enacting Republic Act No. 997, to authorize the transfer of powers and jurisdiction granted to the courts of justice, from these to the officials to be appointed or offices to be created by the Reorganization Plan. Congress is well aware of the provisions of the Constitution that judicial powers are vested only in the Supreme Court and in such courts as the law may establish. The Commission was not authorized to create courts of justice, or to take away from these their jurisdiction and transfer said jurisdictions, to the officials appointed or offices created under the Reorganization Plan. The Legislature could not have intended to grant such powers to the Reorganization Commission, an executive body, as the Legislature may not and cannot delegate its power to legislate or create courts of justice to any other agency of the Government. (Chinese Flour Importers' Assoc. vs. Price Stabilization Board, 89 Phil., 439; Surigao Consolidated vs. Collector of Internal Revenue, 94 Phil., 492 50 Off. Gaz., (3) 1018; U.S. vs. Shreveport, 287 U.S. 77, 77 L. ed. 175 and Johnson vs. San Diego, 42 p. 249, cited in 11 Am. Jur. 921-922." (See also Everlasting Pictures, Inc., et-al. vs. F. A. Fuentes, et al., supra p. 513.)

Wherefore, the order appealed from is set aside and the case is remanded to the court a quo for ulterior proceedings. No pronouncement as to costs.

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

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