

CIRIACO NOBEL, PLAINTIFF AND APPELLANT, VS. VICENTE CABIJE, ET AL., DEFENDANTS AND APPELLEES.

G. R. No. L-18206. April 23, 1963

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

On October 6, 1956, Ciriaco Nobel filed before the Municipal Court of Cebu City a complaint against Vicente Cabije, et al., to recover the sum of P908.80, plus damages and attorney's fees, in the form of underpayment, overtime and separation pay.

After trial on the merits, the municipal court rendered decision, in favor of the plaintiff, whereupon the defendants, with the exception of the Manila Sawmill Co., appealed to the court of first instance. On September 12, 1957, the defendants filed their answer setting up some affirmative defenses, and as the Manila Sawmill Co. did not appeal from the decision of the municipal court, nor file its answer as required by the rules, plaintiff moved that it be declared in default; but the court a quo denied the motion Holding that the answer interposed by its co-defendants redounded to its benefit.

After the pre-trial held by the court a quo, the defendants filed a motion to dismiss on the ground that the court had no jurisdiction over the case but the Court of Industrial Relations to which it properly belongs, and notwithstanding the opposition of the plaintiff, the court a quo found the motion well-taken and dismissed the case. Plaintiff took the present appeal.

We believe that the appeal is well-taken, it appearing that, though the complaint is for recovery of a sum of money representing underpayment, overtime and separation pay, there is nothing alleged therein that plaintiff was still in the employ of the defendants, or that he is seeking his reinstatement to his former employment. Such being the case, the action is merely for recovery of a monetary obligation which comes under the jurisdiction of the regular courts:

"Under the law and jurisprudence pertaining to labor disputes, the Court of Industrial Relations, jurisdiction extends only to cases involving (a) labor disputes affecting an industry which is Indispensable to national interest and is so certified by the President to the Court (Section 10, Republic Act 875); (b) controversy about the Minimum Wage Law (Republic Act No. 602); (c) hours of employment under the Eight-Hour Labor Law (Commonwealth Act No. 144), and (d) unfair labor practice (Section 5 [a], Republic Act 875). And such disputes, to fall under the jurisdiction of the CIR, must arise while the employer-employee relationship between the parties exists, or the employee seeks reinstatement. When such relationship is over and the employee does not seek reinstatement, all claims become money claims that fall under the jurisdiction of the regular courts. (Sy Huan vs. Judge Bautista, et al., G. R. No. L-16115, August 29, 1961; See also the cases cited therein)." (Campos, et al. vs. Manila Railroad Company, et al, G. R. No. L-17905, May 25, 1962)

Wherefore, the order appealed from is set aside. The case is remanded to the court a quo for further proceedings. Costs against appellees.

Bengzon, C, J., Padilla, Concepcion, Reyes, J.B.L., Barrera, Parades, Dizon, Regala, and Makalintal, JJ., concur.

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