

JUANITO CARLOS, PETITIONER-APPELLANT, VS. ANTONIO J. VILLEGAS, AS MAYOR, CITY OF MANILA AND/OR EULOGIO SAMIO, AS CHIEF, MANILA FIRE DEPARTMENT AND/OR MANUEL CUDIAMAT, AS TREASUR...

G.R. No. L-24394. August 30, 1968

Ponente: ANGELES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/6dd978e471e8/>

ANGELES, J.:

This is an appeal from the decision of the Court of First Instance of Manila dismissing the petition for mandamus (Civil Case No. 53514) seeking to order the respondents to cause the City of Manila to pay petitioner and other members of the Uniformed Force Division of the Manila Fire Department (MFD) for overtime services rendered from January 1, 1962, up to the date when the petition was filed January 4, 1963; to enforce immediately the 40-Hour a Week Law to petitioner and said other members of the MFD; and to pay damages sustained by them as a consequence of the acts complained of.

The facts of the case are set forth in the stipulation of facts submitted by the parties in the lower court, to wit:

“1. Under Sec. 15 of the Revised Charter of the City of Manila (Rep. Act 409, as amended), 'there shall be a chief of the Fire Department, x x x who shall have the management and control of all matters relating to the administration of said department, and the organization, government, discipline, and disposition of fire forces; x x x' /Underscoring provided/

“2. Pursuant to the foregoing provision, from September 16, 1957, to the present, the petitioner and other members of the Uniformed Force Division of the Manila Fire Department have been required and ordered by the Chief of the Manila Fire Department, upon approval of the City Mayor, the Commissioner of the Civil Service and the Office of the President, to be 24 hours on duty and 24 hours off duty, alternately; that is, a member of the MFD Uniformed Force Division reports to his station at 8:00 o'clock in the morning and continues on duty until 8:00 o'clock of the following morning for 24 hours; he is then off duty for the next 24 hours immediately thereafter; this schedule continuous throughout the days of the week regardless of Saturdays, Sundays and holidays; for an average of eighty-four (84) hours a week the firemen stay at the station and while there, their duties are to clean and maintain the station, fire engines or apparatuses and equipments, to respond to fire and to perform other duties required by ordinances and laws; during the 24 hours' stay in the station, unless they are out working to fight and extinguish fires, the firemen are given time to rest from 12:00 o'clock noon to 4:00 o'clock in the afternoon, and time to sleep from 9:00 o'clock in the evening to 6:00 o'clock the following morning.

“3. On July 10, 1957, the Chief of the Manila Fire Department requested the Office of the President of the Philippines for authority, in the interest of the service, for the members of the Uniformed Force Division and of the Fire Alarm and Radio Division of the department to render service without overtime pay beyond the 40-hour 5 day – a week requirement of the law.

“4. On December 9, 1962, a petition was addressed to the Mayor, City of Manila, through the Chief, Fire

Department, Manila, claiming payment for overtime services rendered effective January 1, 1962 and demanding the enforcement of the 40 - hour a week work law with respect to the Uniformed Force Division of the Manila Fire Department, and the reply thereto was that services rendered beyond a regular period fixed by R.A. No. 1880 will not entitle the employee to overtime pay as a matter of legal right, citing Opinion No. 218, Series of 1957, of the Secretary of Justice.

"5. On December 26, 1962, petitioner addressed a petition to His Excellency, the President of the Philippines, petitioning also the latter to order the City of Manila to pay petitioner and other members of the MFD Uniformed Force Division for overtime services rendered during 1962 and caused to be enforced the 40-hour a week law and there was no favorable reply.

"6. The parties herein reserve the right to submit additional evidence should a necessity there-for arise."

No additional evidence was submitted thereafter, and upon the foregoing stipulation of facts and the law applicable thereon, the lower court dismissed the petition.

The issue for adjudication is whether the petitioner-appellant and other firemen similarly situated are entitled to collect overtime pay for overtime services rendered by them since January 1, 1962.

The provisions of law that resolve the issue are neither those of Republic Act 1880, otherwise, known as the Forty-Hour Week Work Law, nor Commonwealth Act 444, the Eight-Hour Labor Law, as suggested by the petitioner-appellant, but the following sections of the Revised Administrative Code, to wit:

"SEC. 566. Extension of hours and requirement of overtime work. - When the interests of the public service so require, the head of any Department, Bureau, or Office may extend the daily hours of labor, in what manner so ever fixed, for any or all of the employees under him, and may likewise require any or all of them to do overtime work not only on work days but also on holidays."

"SEC. 259. Inhibition against payment of extra compensation. - In the absence of special provision, persons regularly and permanently appointed under the Civil Service Law or whose salary, wages or emoluments are fixed by law or regulation shall not, for any service rendered or labor done by them on holidays or for other over-time work, receive or be paid any additional compensation; nor, in the absence of special provision, shall any officer or employee in any branch of the Government service receive additional compensation on account of the discharge of duties pertaining to the position of another or for the performance of any public service whatever, whether such service is rendered voluntarily or exacted of him under authority of law."

The petitioner-appellant contends that the above-quoted portions of the Revised Administrative Code have been repealed by the provisions of Commonwealth Act 444, in so far as the provisions of the former are inconsistent with the latter. The contention is erroneous. This Court has explicitly declared^[1] that the Eight-Hour Labor Law was not intended to apply to civil service employees who are still governed by the above provisions of the Revised Administrative Code. As there appears to be no debate over the employment of petitioner-appellant and the other firemen similarly situated as falling under the civil service, they being employees of the City of Manila, a municipal corporation, in its governmental capacity, We perceive no reason to deviate from said ruling. And as We hold that the above sections of the Revised Administrative Code are still legally in force, it necessarily follows that Rule XV, section 3 of the Civil Service Rules, a similar provision promulgated pursuant to that of Section 16 (e) of the Civil Service Act of 1959 (Republic Act No. 2260) is likewise applicable to petitioner-appellant. Said provision reads:

"SEC. 3. When the nature of the duties to be performed or the interest of the public service so requires, the head of any Department or agency may extend the daily hours of work specified for any or all the employees under him, and such extension shall be without additional compensation unless otherwise provided by law. Officers and employees may be required by the head of the Department or agency to work on Saturdays,

Sundays and public holidays also, without additional compensation, unless otherwise specifically authorized by law."

It needs no lengthy explanation that the nature of work of a fireman requires him to be always on the alert to respond to fire alarms which may occur at any time of the day, for the exigency of the service necessitates a round-the-clock observance of his duties, which situation excepts him from the applicability of Section 562 of the Revised Administrative Code, as amended by Republic Act 1880, the Forty-Hour a Week Work Law, which provides, in part:

"Such hours, except for schools, courts, hospitals and health clinics or where the exigencies of service so require, shall be as prescribed in the Civil Service Rules and as otherwise from time to time disposed in temporary executive orders in the discretion of the President of the Philippines but shall be eight (8) hours a day, for five (5) days a week or a total of forty (40) hours a week, exclusive of the time for lunch."/Underscoring supplied/

Parallel to the instant case are the circumstances obtaining in *Department of Public Services Labor Union vs. CIR, et al.*,^[2] where this Court held that in view of the exigency of the service, garbage collectors in Manila are not entitled to the benefits of the Forty-Hour a Week Work Law.

In the light of the foregoing, the conclusion is inevitable that the petitioner-appellant and other fire-men of his situation are not entitled to overtime pay and to the coverage of the said Forty-Hour a Week Work Law.

Parenthetically, a side issue has come up in this appeal during its pendency, and that is whether or not the City Fiscal of Manila should continue his appearance for the respondents-appellees, despite the creation of the office and subsequent appointment of a City Legal Officer of Manila, pursuant to Republic Act 5185, known as the Decentralization Act of 1957, to take charge of civil cases concerning the City. We believe this is not the proper forum to first pass upon the question since the motion for withdrawal of appearance filed by the City Fiscal and the opposition thereto put at issue the validity of an ordinance^[3] passed by the City Council of Manila which is alleged to be in conflict with the said Decentralization Act. Anyway, the said motion for withdrawal of appearance was filed only on May 19, 1968, long after August 18, 1965, when the case had been rested for resolution and when there was no more need for further representation in behalf of the parties.

IN VIEW OF THE FOREGOING, the decision appealed from is hereby affirmed. For equitable considerations, no costs.

Concepcion, C.J., Reyes, Dizon, Makalintal, Zaldivar, Sanchez, Castro, and Fernando, JJ., concur.

[1] *Namarco vs. Prisco Workers Union, et al. vs. CIR*, G.R. No. L-19945, Dec. 29, 1966, citing *Nawasa vs. NWSA Consolidated Unions, et al.*, G.R. No. L-18938, Aug. 31, 1964.

[2] G.R. No. L-15458, January 28, 1961.

[3] Ordinance No. 6485.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.