

VALLESON, INC., PETITIONER, VS. BESSIE C. TIBURCIO, RESPONDENT.

G.R. No. L-18185. September 28, 1962

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

This is an appeal by certiorari taken by Valleson, Inc. from a decision of the Court of Industrial Relations.

The facts are set forth in said decision, from which we quote:

"* * * petitioner was employed as cashier by respondent company from September 1, 1955 up to November 23, 1957. She worked from 9:00 o'clock a.m. to 1:00 o'clock p.m. and from 4:00 o'clock p.m. to 7:00 o'clock p.m., or a total of seven (7) hours daily, for which she was paid P3.50 a day. During her employment, petitioner got married but inspite her marriage, she did not change her usual signature in the payroll. There is an unwritten policy in respondent company that all female employees should be single during their employment. Sometime in October, 1956, petitioner personally asked the general manager of respondent company, Mr. Rqstituto M. Sibal, (not in writing) for maternity leave with pay but the latter refused to grant the same. On January 12, 1957, petitioner delivered her first child. Sometime in October, 1957, petitioner personally asked again Mr. Sibal for maternity leave with pay because she was then pregnant on her second child but she was again refused such benefit. Sometime in November, 1957, Ruben Mallari, the accountant of respondent company, found a shortage of P50.00 when he checked up the cashier's report of the petitioner. Mallari reported the matter to Mr. Sibal and the latter immediately conducted an investigation. It was found out that the petitioner and one Lecita Abary, also a cashier in the respondent company, were, from time to time, taking from their cash registers certain amounts of money and lending them to different employees which practice was not only without the knowledge of the management but also contrary to the rules and regulations of said store. This finding was admitted by said cashiers in a written statement dated November 18, 1957. On November 23, 1957, upon recommendation of the legal department of respondent company, the two cashiers were temporarily suspended which was later made permanent dismissal. On January 2, 1958, petitioner gave birth to her second child."

On April 6, 1960, Bessie C. Tiburcio filed, with the Court of Industrial Relations, a petition which was amended on May 3, 1960, praying for differential pay, maternity leave pay and reinstatement, in addition to attorney's fees. After appropriate proceedings, a decision was rendered by Hon. Amando C. Bugayong, Associate Judge of said court, the dispositive part of which reads as follows:

"IN VIEW OF ALL THE FOREGOING, the petition for the payment of wage differential under the Minimum Wage Law at the rate of Fifty Centavos (P0.50) per day of work in which petitioner was paid only P3.50 a day during the period from September 1, 1955 up to November 23, 1957 and the petition for maternity leave with pay for the delivery of petitioner's two children on January 12, 1957 and January 2, 1958 are hereby granted, while the petition for reinstatement with back wages is hereby dismissed.

"In order to have an accurate computation of the wage differentials and maternity leave with pay, the Field Corporation Auditor of this Court or any of his assistants is hereby directed to proceed to the premises of

respondent company at 558 Carriedo, Manila and examine its payrolls, daily time records and other pertinent papers for purposes of computing petitioner's wage differentials and maternity pay in accordance with this decision, and submit a report thereof for further disposition by this Court."

The company moved for a reconsideration of said decision, but the motion was denied by unanimous resolution of said Court sitting en banc. Hence, this appeal by writ of certiorari.

Petitioner Valleson, Inc. assails the decision appealed from upon several grounds, only one of which need be considered in view of the conclusion we have reached in connection therewith. We refer to the jurisdiction of the Court of Industrial Relations to hear and decide this case. Petitioner maintained in said Court, and still maintains, that the same had no such jurisdiction, for the following reasons:

- The Industrial Peace Act (Republic Act No. 875) merely allows the Court of Industrial Relations to retain its jurisdiction to hear the cases, involving the application of Republic Act No. 602 (the Minimum Wage Law), referred to in paragraphs (b) and (c) of section 16 of said Act, which are limited, respectively, to cases in which there is "a dispute as to minimum wages above the applicable statutory minimum" and cases "where the demands of minimum wages involve an actual strike", and the present case does not come under either of these two (2) categories; and
- The right to maternity leave is not one of those which the Court of Industrial Relations may hear and decide under Republic Act No. 875.

We find that petitioner's pretense is well taken. At the outset, it is not denied that claims for maternity leave are per se beyond the jurisdiction of the Court of Industrial Relations. The latter's assertion for authority to pass upon the maternity leave pay sought to be recovered by Bessie C. Tiburcio is predicated upon the theory that her cause of action therefor is, or may be considered, incidental to her claim for differential pay under the Minimum Wage Law.

As regards this claim for differential pay, section 7 of Republic Act No. 875 provides:

"In order to prevent undue restriction of free enterprise for capital and labor and to encourage the truly democratic method of regulating the relations between the employer and employee by means of an agreement freely entered into in collective bargaining, no court of the Philippines shall have the power to set wages, rates of pay, hours of employment, or conditions of employment except as in this Act is otherwise provided and except as is provided in Republic Act Numbered Six hundred two and Commonwealth Act Numbered Four hundred forty-four as to hours of work."

Upon the other hand, section 16 of Republic Act No. 602 reads:

"(a) The Court of First Instance shall have jurisdiction to restrain violations of this Act; action by the Secretary or by the employees affected to recover underpayment may be brought in any competent court, which shall render its decision on such cases within fifteen days from the time the case has been submitted for decision; in appropriate instances, appeal from the decision of these courts on any action under this Act shall be in accordance with applicable laws.

"(b) In the event that a dispute case before the Court of Industrial Relations involves as the sole issue or as one of the issues a dispute as to minimum wages above the applicable statutory minimum, and the Secretary of Labor has issued no wage order for the industry or locality applicable to the enterprise, the Court of Industrial Relations may hear and decide such wage issue: Provided, however, That the Secretary of Labor shall not undertake to fix the minimum wage for an industry or branch thereof which involves only a single enterprise or a single employer.

"(c) Where the demands of minimum wages involves an actual strike, the matter shall be submitted to the

Secretary of Labor, who shall attempt to secure a settlement between the parties through conciliation. Should the Secretary fail within fifteen days to effect said settlement, he shall endorse the matter together with other issues involved, to the Court of Industrial Relations which will acquire jurisdiction on the case including the minimum wage issue, and after a hearing where the views of the Secretary of Labor will be given, will decide the case in the same manner as provided in other cases. The decision shall be rendered by the court en banc within fifteen days after the case has been submitted for the determination, and its finding of facts shall be conclusive if supported by substantial evidence and shall be subject only to an appeal by certiorari."

It appears from this section 16 that, for the Court of Industrial Relations to have jurisdiction over a minimum wage case, it is necessary, either that the wage therein claimed be "above the applicable statutory minimum", or, else, that the demand of minimum wage therein made "involve an actual strike". No such actual strike is involved in the present case. Furthermore, the differential pay claimed by Bessie C. Tiburcio is based only upon the statutory minimum of P4.00 a day. In fact, it is not disputed that the case at bar does not fall under subdivisions (b) and (c) of said section 16. It is thus apparent that the Court of Industrial Relations had no jurisdiction to hear and decide this case, insofar as the issue of differential pay is concerned, and, consequently, as regards, the maternity leave pay.

Wherefore, the decision appealed from is reversed, and this case is hereby dismissed, without pronouncement as to costs. It is so ordered.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Reyes, J. B. L., Barrera, Paredes, Dizon, Regala, and Makalintal, JJ., concur.

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