

TEODORICO B. SANTOS, PETITIONER, VS. COURT OF INDUSTRIAL RELATIONS, ET. AL., RESPONDENT.*G.R. No. L-17196. December 28, 1961*

Ponente: BAUTISTA ANGELO, J.

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Adriano Calisin, et al. filed with the Court of Industrial Relations a complaint for unfair labor practice against respondent alleging that being in the employ of the latter as agricultural laborers they were separated from the service on April 5, 1956 for the reason that they have affiliated themselves with the Casaca Peasant Union contrary to the warning given to them by a representative of respondent. Respondent filed a motion to dismiss on the ground of lack of jurisdiction contending that since complainants were all employed in his hacienda as agricultural laborers their complaints, if any, does not come within the purview of Republic Act No. 875 and, consequently, it is beyond the jurisdiction of the industrial court. Action on this motion having been deferred until the case is tried on the merits, respondent filed his answer wherein he claimed that the complainants were merely casual laborers and not permanent tenants for they were merely paid per hour and that he never interfered with their desire to join a labor union for as a matter of fact, all his tenants in the hacienda were all members of the Casaca Peasant Union. He asked for damages and for the dismissal of the complaints.

Issues having been joined, hearing was held during which both parties presented their evidence. Thereafter, the court a quo rendered decision holding that it has jurisdiction over the case even if complainants, are agricultural laborers and, finding respondent guilty of the charge, ordered him to reinstate complainants, except those who withdrew, to their former positions, without loss of seniority, with payment of their back wages from their dismissal up to their reinstatement. Respondent interposed the present petition for review.

It is undisputed that complainants were agricultural laborers for at the time they filed their complaint they were working, in the hacienda of respondent devoted to agricultural purposes having an area of 500 hectares. Though it has around 72 tenants working in the hacienda under the leasehold systems the same is not however mechanized. Only 10 hectares thereof were under the administration of petitioner which were devoted to the cultivation of coconuts, coffee, citrus, bananas and other agricultural products.

The question to be determined is: considering that complainants are agricultural laborers in the legal sense can their claim relative to an unfair labor practice committed by petitioner be filed with the Court of Industrial Relations? In other words, can the latter court take cognizance of this claim under Republic Act No. 875 considering that the complainants are agricultural laborers?

We are inclined to uphold the negative view not only because an agricultural laborer does not come within the purview of the word employee defined in Section 2(d) of Republic Act No. 875; but also because any matter that may pertain to the relation of tenant and landlord comes under the Agricultural Tenancy Act (Republic Act No. 1199, as amended by Republic Act No. 2263), and any controversy that may arise between them as an incident of their relationship comes under the exclusive jurisdiction of the Court of Agrarian Relations created" by Republic

Act No. 1267. Thus, elaborating on the scope that the word "employee" should have as defined in Section 2(d) of Republic Act No. 875, this Court made the following comment:

"The same thing may be said of the term. 'employee' under said Wagner Act. It contains several exemptions, such as any individual employed in the domestic service or any person employed by his parent or spouse. Such exemptions are absent under the term 'employee' used in our Industrial Peace Act; and yet those exempted under the Wagner Act's definitions of employer and employee are obviously and clearly entitled to exception, or exemption under our own Industrial Peace Act. For instance, there can be no question that under our Industrial Peace Act, the Republic or any political division or subdivision, like a province or municipality, must and should also be excluded from the definition of employer. Similarly, under the term 'employee' of our law, agricultural laborers or individuals employed in the domestic service, like private or domestic drivers, housemaids, kitchen help, etc., should be excluded. From this, we can logically conclude that our Legislature, in drafting the law, particularly the portion defining employer and employee, did not deem it necessary or advisable to make the obvious and necessary exemptions or exceptions, but left it to the courts for interpretation and application. For this reason, the cases decided by the United States Federal courts, interpreting the Wagner Act as regards employer and employee, are not applicable." (*Boy Scouts of the Philippines vs. Araos*, 102 Phil., 1080; *Italics supplied.*)

With regard to our conclusion that the present controversy comes under the exclusive jurisdiction of the Court of Agrarian Relations, suffice it to state that the latter court was created for "the enforcement of all laws and regulations governing the relation of capital and labor on all agricultural lands under any system of cultivation" (Section 1, Republic Act 1267, as amended by Republic Act 1409) , and was given exclusive jurisdiction over the entire Philippines "to consider, investigate, decide, and settle all questions, matters, controversies, or disputes involving all those relationships established by law which determine the varying rights of persons in the cultivation and use of agricultural land where one of the parties works the land" (Section 7, *Ibid.*) Complainants, therefore, should have lodged their complaint with the agrarian court for the redress of their grievance considering this broad power given to it by law even if nothing is said therein relative to unfair labor practice. The subsequent enactment of Republic Act No. 2263 which grants to agricultural workers the right to file an action of this nature merely serves to confirm this jurisdiction of the agrarian court. The conclusion is, therefore, inescapable that the industrial court has improperly assumed jurisdiction over the present case for it comes under the exclusive jurisdiction of the agrarian court.

Wherefore, the order subject of review is set aside, without pronouncement as to costs.

Padilla, Labrador, Barrera, Paredes, Dizon and De Leon, JJ., concur.

Reyes, J.B.L., and Barrera, JJ., in the result.

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