

STA. CECILLA SAWMILLS CO., INC., PETITIONER, VS. THE COURT OF INDUSTRIAL RELATIONS AND JUANITO ABIOG, ET AL., RESPONDENTS. STA. CECILLA SAWMILLS CO., INC., PETITIONER, VS. THE C...

G.R. Nos. L-14254 and L-14255. May 27, 1960

Ponente: PADILLA, J.

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PADILLA, J.:

These are two petitions for writs of certiorari to annul the orders of the Court of Industrial Relations dated 22 May 1958, denying the petitioner's motion to dismiss, and 30 July 1958, denying the petitioner's motion for reconsideration, in Cases Nos. 977-V and 986-V, and of prohibition to enjoin the Court of Industrial Relations from further proceeding with the hearing and determination of the aforesaid cases.

CIR Case No. 977—V (GR No. L-14255)

The respondents filed in the Court of Industrial Relations a petition dated 7 February 1955 praying that the petitioner be ordered to pay them overtime wages in the aggregate sum of P392,253.76 (Annex A). On 9 March 1955 the petitioner filed a motion dated 8 March 1955 praying that the respondents be ordered to state with sufficient definiteness or particularity their respective residences in Quezon province; the day or month in 1947 when they had been employed by the petitioner; whether they were still in its employment; the date or dates when they had been required by the petitioner to render overtime work; and the method of computation used in arriving at the amounts indicated opposite their respective names in the petition (Annex B). On 10 March 1955 the respondents filed an opposition to the petitioner's motion (Annex C). On 16 March 1955 the respondents filed an amended petition dated 12 March 1955 praying that the petitioner be ordered to pay them overtime wages in the same aggregate sum claimed in the original petition (Annex D). On 22 March 1955 the petitioner filed a motion to dismiss dated 18 March 1955 on the ground of lack of jurisdiction over the subject matter of the action and that the petition states no cause of action because as the respondents already had ceased to be in its employ, no labor dispute exists between them (Annex E). On 23 March 1955 the respondents filed an opposition to the petitioner's motion to dismiss (Annex F). On 13 April 1955 the Court entered an order deferring its resolution on the petitioner's motion to dismiss until after the trial of the case on the merits, and granting the petitioner five days from receipt of a copy of the order within which to file its answer to the respondents' amended petition (Annex G). On 11 May 1955 the petitioner filed its answer to the respondents' amended petition with a counter-claim, reiterating, as special defense, the same grounds invoked in its motion to dismiss (Annex H). On 12 May 1955 the respondents filed their answer to the petitioner's counterclaim (Annex I).

CIR Case No. 986-V (G. R. No. L-14254)

On 14 May 1955 the respondents filed in the Court of Industrial Relations a petition praying that the petitioner be ordered to pay them overtime wages in the aggregate sum of P187,238.43 (Annex A). On 4 June 1955 the petitioner filed a motion dated 2 June 1955 for a bill of particulars similar to the one filed by it in the first case

(Annex B). On 8 June 1955 the respondents filed an opposition thereto (Annex C). On 13 June 1955 the Court entered an order directing the respondents to aver with definiteness or particularity the dates when they had been employed by the petitioner and when they had ceased to be in its employ (Annex D.) On 20 June 1955 the respondents complied with the order of the Court (Annex E).

On 21 December 1955 the respondent filed an amended petition praying for collection of overtime wages in the same aggregate amount claimed in the original petition (Annex F). On 25 January 1956 the petitioner filed a motion to dismiss on the same grounds invoked in its motion to dismiss in the first case (Annex G). At the hearing of the petitioner's motion to dismiss on 11 February 1956, the respondents verbally objected to the motion (see Annex 1). On 2 March 1956 the Court entered an order deferring its resolution on the petitioner's motion to dismiss and respondents' objection thereto until after the trial of the case on the merits, and giving the petitioner five days from receipt or a copy of the order within which to file its answer to the amended petition (Annex I). On 12 March 1956 the petitioner filed its answer to the amended petition with a counterclaim, reiterating, as special defense, the same ground invoked in its motion to dismiss that the Court has no jurisdiction over the subject matter of the action (Annex J). On 17 March 1956 the respondents filed an answer to the petitioner's counterclaim (Annex K).

The Court proceeded to hear and try the two cases separately. On 20 January 1958 the petitioner filed in the two cases separate motions to dismiss date 16 January 1958 invoking the rule laid down by this Court in *Mindanao Bus Employees Labor Union (PLUM) vs. Mindanao Bus Company*, G. R. No. L-9795, 28 December 1957, that the Court of Industrial Relations has no jurisdiction over cases for collection of overtime wages (Annexes L and M, G. R. Nos. L-14255 and L-14254, respectively). On 22 May 1958 the Court entered an order in the two cases denying the petitioner's motions to dismiss and set the resumption of the hearing on 10, 11 and 12 June 1958 at 9:00 o'clock in the morning (Annexes K and M, G. R. Nos. L-14255 and L-14254, respectively). On 29 May 1958 the petitioner filed a motion for reconsideration dated 28 May 1958 of the foregoing order (Annexes L and N, G. R. Nos. L-14255 and L-14254, respectively). On 30 July 1958 the Court en banc entered a resolution denying the petitioner's motion for reconsideration (Annexes M and O., G. R. Nos. L-14255 and 14254, respectively).

Contending that in denying its motion to dismiss and motion for reconsideration of the order of denial, the Court of Industrial Relations acted without and/or in excess of jurisdiction and with grave abuse of discretion, and that there being left for it neither the remedy of appeal nor any plain, speedy and adequate remedy in the ordinary course of law, the petitioner prays for writs of certiorari to annul the orders of the respondent Court dated 22 May and 30 July 1958 (Annexes K and M and M and O, G. R. Nos. L-14255 and L-14254, respectively), and of prohibition to enjoin the Court from further proceeding with the hearing and determination of the aforesaid cases.

This Court has held in a long line of decisions that upon the enactment of Republic Act No. 875, which took effect on 17 June 1953, the jurisdiction of the Court of Industrial Relations is confined to the following: (1) when the labor dispute affects an industry which is indispensable to the national interest and is so certified by the President to the industrial court (section 10, Republic Act No. 875) ; (2) when the controversy refers to the minimum wage under the Minimum Wage Law (Republic Act No. 602); (3) when it involves hours of employment under the Eight-Hour Labor Law (Commonwealth Act No. 444); and (4) when it involves an unfair labor practice [Section 5, (a), Republic Act No. 875][1]; and that the Court of Industrial Relations has no jurisdiction to hear and determine cases for collection of overtime wages.[2]

In CIR Case No. 977-V (G. R. No. L-14255) the respondents allege and pray in their amended petition filed in the Court of Industrial Relations:

- That the petitioners have been employed by the respondent in the operation of its business since 1947.

- That since the employment of the petitioners with the respondent, they were required to work overtime in ordinary working days and on legal holidays, in violation of the Eight-Hour Labor Law (Commonwealth Act No. 444).
- That the petitioners are entitled to the following amounts by way of overtime pay: (followed by the names of the claimants and the amounts they respectively claim).

Wherefore, it is respectfully prayed that judgment be rendered ordering the respondent to pay the sum of P392,253.76 in accordance with the provisions of Commonwealth Act 444. (Annex D.)

It is, therefore, clear that the Court of Industrial Relations did not and does not have jurisdiction to hear and determine the respondents' petition.

In CIR Case No. 986-V (G.R. No. L-14254) the respondents allege and pray in their amended petition:

- That the petitioners were employed by the respondent corporation on the dates appearing opposite their respective names hereinbelow under the heading "Date of Employment" and were dismissed on the dates also appearing therein under the heading "Date of Dismissal or Termination of Service," and that since the employment of petitioners in the respondent corporation, without any known authority therefor and sometime under threats of dismissal, the said corporation required petitioners to work for more than eight (8) hours a day during ordinary working days and for more than the same number of hours on Sundays and legal holidays, and without compensating them for their extra hours of work as required by law, paying them the same daily wage which at the start was P3.50 but was later reduced to P3.15, thereby entitling petitioners by way of overtime pay and extra compensation for work during Sundays and legal holidays to at least an amount indicated opposite their respective names under the heading "Amount Due" for the length of time of their service also hereinbelow indicate: (Followed by the names of the claimants, the dates of employment and dismissal or termination of service and amount of their respective claims)
- That the petitioners received during all their respective period of services an amount as aforesaid less than that provided for by Republic Act No. 602 otherwise known as "The Minimum Wage Law" and that since the effectivity of said law up to the time of dismissal of petitioners (with respect to those who were dismissed after said law took effect) the latter never received the compensation in accordance with said Minimum Wage Law.

Wherefore, premises considered it is most respectfully prayed that judgment be rendered ordering the respondent to pay, each of the petitioners the respective sum due of them as warranted by the evidence amounting to a total of not less than the sum of P187,238.43 for all of them and to grant petitioners such other remedies as may be just and equitable under the premises.

It appears from the "compliance" of the respondents filed in CIR Case No. 986-V on 20 June 1955 (Annex E) and the amended petition dated 20 December and filed on 21 December 1955 in the same case (Annex F) that they are no longer in the service of the petitioner, the latest dismissal or termination of service having been on 31 March 1955 with respect to Jesus Pies (or Pica), while the petition in this case was filed on 14 May 1955, and that they are not seeking reinstatement to their respective positions. Hence no labor dispute is involved in the case and for that reason the Court of Industrial Relations has no jurisdiction to hear and determine the respondents' petition.[1]

The petitions for writs of certiorari and prohibition are granted, with costs against the respondents, except the Court.

Paras, C. J., Bengzon, Montemayor, Bautista Angelo, Labrador, Concepcion, Barrera, and Gutierrez David, JJ., concur.

[1] PAFLU vs. Tan, 99 Phil., 854; 52 Off. Gaz., 5826; Reyes vs. Tan, 99 Phil., 880; 52 Off. Gaz., 6187; PAFLU vs. Barot, 99 Phil., 1008; 52 Off. Gaz., 6544; Allied Free Workers Union vs. Apostol, 102 Phil., 292; 54 Off. Gaz. 981; Mindanao Bus Employees Labor Union (PLUM) vs. Mindanao Bus Co., G.R. No. L-9795, 28 December 1957; Aguilar vs. Salumbides, G.R. No. L-10124, 28 December 1957; Dee Cho Lumber Workers Union (NLU) vs. Dee Cho Lumber Co., 101 Phil., 417; 55 Off. Gaz., 434; Roman Catholic Archbishop of Manila, vs. Yanson and Elizalde & Co., Inc. vs. Yanson, G.R. Nos. L-12341 and L-12345, 30 April 1958; Chua Workers Union (NLU) vs. City Automotive Co., G.R. L-11655, 29 April; 1959; and Philippine Sugar Institute vs. Court of Industrial Relations 106 Phil., 401; 57 Off. Gaz., (4) 635.

[2] Mindanao Bus Employees Labor Union (PLUM) vs. Mindanao Bus Co., supra; Aguilar vs. Salumbides, supra; Roman Catholic Archbishop of Manila vs. Yanson and Elizalde & Co., Inc., vs. Yanson, supra; Chua Workers Union (NLU) vs. City Automotive Co., supra.

[1] Roman Catholic Archbishop of Manila vs. Yanson and Elizalde & Co., Inc. vs. Yanson, supra.

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