

ALFREDO V. PEREZ, PETITIONER, VS. THE COURT OF INDUSTRIAL RELATIONS AND PLASTICS, INC., RESPONDENTS.*G.R. No. L-18182. February 27, 1963*

Ponente: CONCEPCION, J.

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Appeal by certiorari from a decision of the Court of Industrial Relations, affirmed by the court en banc, dismissing this case upon the ground of lack of jurisdiction to hear the same.

Petitioner Alfredo V. Perez was a janitor of respondent Plastics Incorporated from March 14 to July 2, 1958. On the date last mentioned, Perez was dismissed by respondent upon the ground that one of its security guards had then apprehended him carrying a bundle of plastics allegedly stolen from said respondent. For reasons not stated in the record, the criminal case for theft subsequently filed against Perez was eventually dismissed, for which reason Perez sought reinstatement, which was denied. Accordingly, he filed with the Court of Industrial Relations a petition for reinstatement with backpay from the time of his dismissal. Respondent moved to dismiss the petition upon the ground of lack of jurisdiction over the subject matter of the case. The motion was granted in an order dated September 30, 1960, which, on motion for reconsideration filed by Perez, was affirmed by the court sitting en banc. Hence, this appeal by certiorari.

Petitioner maintains that the decision appealed from is erroneous for, in *PRISCO vs. CIR*, 108 Phil., 134 (May 23, 1960), we allegedly held "that the Court of Industrial Relations has jurisdiction over all labor disputes as long as the employer-employee relationship does exist or it is being sought to be re-established". There is no merit in this pretense.

We have repeatedly held:

"This Court has held in numerous cases that upon the enactment of Republic Act No. 875, which took effect on 17 June 1953, the jurisdiction of the Court of Industrial Relations was 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 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)." (*Philippine Sugar Institute vs. CIR*, 106 Phil., 401 [October 29, 1959], pp. 2-3.)

This ruling had, however, been misunderstood in some quarters as implying that cases involving the application of the Minimum Wage Law and the Eight-Hour Labor Law are always within the jurisdiction of the CIR. Hence, in the *PRISCO* case (*supra*), which involved claims for overtime, we said:

"* * * where the employer-employee relationship is still existing or is sought to be reestablished because of its wrongful severance (as where the employee seeks reinstatement), the Court of Industrial Relations has jurisdiction over all the claims arising out of, or in connection with employment, such as those related to the Minimum Wage

Law and the Eight-Hour Labor Law. After the termination of the relationship and no reinstatement is sought, such claims become mere money claims, and come within the jurisdiction of the regular courts."

In other words, there must be an employer-employee relationship between the parties in controversies arising under the Minimum Wage Law and the Eight-Hour Labor Law, or such relationship must be sought to be re-established, for said controversies to be within the jurisdiction of the CIR.

The case at bar has not been certified by the President and is not one for alleged unfair labor practice. Neither does it involve the Minimum Wage Law or the Eight-Hour Labor Law. Perez merely claims a right to reinstatement because of the dismissal of the criminal charge of theft against him, upon which his separation from the service had been' predicated. His alleged cause of action does not fall under the jurisdiction of the CIR.

Wherefore, the decision and the resolution appealed from are hereby affirmed, with costs against petitioner Alfredo V. Perez. 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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