

RUFINO DELANTES, PLAINTIFF AND APPELLEE, VS. GO TAO & COMPANY, DEFENDANT AND APPELLANT.*G.R. No. L-15995. October 31, 1961*

Ponente: CONCEPCION, J.

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Appeal from an order of the Court of First Instance of Cebu.

Plaintiff Rufino Delantes was a truck driver of defendant Go Tao & Company in Cebu City, from January 1947 up to November 1955, when, according to plaintiff, he was dismissed arbitrarily, although defendant claims he (plaintiff) freely "separated himself from his employment". On May 18, 1956, plaintiff instituted this action against the defendant to recover P720 as unpaid wages, from November 1, 1955 to April 30, 1956, P5,023.07 as compensation for overtime work, P2,000 as moral damages, P1,000 as exemplary damages, P432 as expenses allegedly incurred by him in repairing defendant's truck tires, and P917 as attorney's fees, plus costs.

In his answer, defendant admitted some allegations of the complaint, denied the other allegations thereof, and set up several special defenses, as well as a counterclaim for damages. Subsequently, plaintiff filed an answer to the counterclaim, denying most of the allegations thereof and pleading several defenses, whereupon the case was set for hearing. After the presentation of plaintiff's evidence, the court reached the conclusion that the subject matter of plaintiff's action is not within its jurisdiction, but of that of the Court of Industrial Relations, in view of which it issued, seemingly *motu proprio*, the order appealed from, dismissing the case without prejudice and without special pronouncement as to costs. A reconsideration of this order having been denied, defendant interposed the present appeal, which is before us the only issue therein raised being one purely of law, namely, which of said courts has jurisdiction over the case at bar.

Relying upon *PAFLU vs. Tan*, 99 Phil., 854; 52 Off. Gaz. (13) 5836 and *Gomez vs. North Camarines Lumber Co., Inc.*, 104 Phil., 294; 56 Off. Gaz. (12) 2630, the lower court held that this case is cognizable by the Court of Industrial Relations, plaintiff's main claim being for overtime pay. This conclusion is untenable. The *PAFLU* case involved a Labor dispute between employees of two (2) theaters and the party who bought the same, while the contracts between said employees and the former owner of said theaters were in force, which contracts, the employees maintained, were binding upon the new owner of the theaters. In other words, the employees involved in said cases were actually working in said theaters, but the new owner thereof claimed to be entitled to dismiss them. The view taken in the *Gomez* case was expressly abandoned and reversed the *Price Stabilization Corporation (PRISCO) vs. Court of Industrial Relation, et al.*, 108 Phil., 134, in which we held:

**** that 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 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." (Italics ours.)

This doctrine, which was reiterated in *Pomeroy & Company, Inc., et al. vs. Court of Industrial Relations, et al.*, (supra, p. 140). *Sy Huan vs. Bautista, et al.*, 112 Phil., 941; 61 Off. Gaz., [20] 2942; *Southwestern Sugar & Molasses (Far East), Inc. vs. CIR, et al.*, 112 Phil., 956; 59 Off. Gaz., [14] 2328; *de los Santos vs. Quisumbing*, 112 Phil., 644; 59 Off. Gaz., [3] 399; *Dableo vs. Luzon Stevedoring Co., Inc.*, 112 Phil., 378; 59 Off. Gaz., [8] 1211; *Fookien Times Co., Inc., et al. vs. CIR, et al.*, 111 Phil., 441; 59 Off. Gaz., [12] 1916; *New Angat-Manila Transportation, et al. vs. CIR, et al.*, 110 Phil., 318; *Elizalde Paint & Oil Factory, Inc. vs. Bautista, et al.*, 110 Phil., 49; 61 Off. Gaz., 137; *Sta. Cecilia Sawmills Co., Inc. vs. CIR, et al.*, 108 Phil., 330; 58 Off. Gaz., [18] 3711 and *Board of Liquidators, et al. vs. CIR, et al.*, 108 Phil., 162, is in conformity with the views expressed in *Aguilar vs. Salumbides, et al.*, L-10124 (Dec. 28, 1957), *Roman Catholic Archbishop of Manila vs. Yanson, et al.*, and *Elizalde & Co., Inc. vs. Yanson, et al.*, L-12345 (April 30, 1958), and *Chua Workers' Union vs. City Automotive Co., et al.*, L-11655 (April 29, 1959).

Wherefore, the order appealed from is reversed and the record of this case should be, as it is hereby remanded to the lower court for further proceedings, without special pronouncement as to costs.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Reyes, J.B.L., Paredes, Dizon and De Leon, JJ., concur.

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