

ABUNDIO MATILLANO, ET AL., PETITIONERS, VS. THE HON. SEVERIANO DE LEON, OF THE COURT OF AGRARIAN RELATIONS, 11TH REGIONAL DISTRICT AND ANGEL LOCSIN, RESPONDENTS.

G.R. No. L-25302. March 15, 1968

Ponente: BENGZON, J.P., J.

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BENGZON, J.P., J.:

On April 4, 1963, twenty-three farmworkers filed a complaint before the Court of Agrarian Relations of Negros Occidental against Angel Locsin, owner of thirty-five hectares of sugar land in Hinigaran, Negros Occidental for violation of Section 27(5) of Republic Act 1199[1] and Section 3 of Republic Act 602.[2]

Alleged therein, among others, were that: On October 19, 1962, complainants joined the Philippine Association of Free Labor Unions, Hacienda Carutay Chapter; on January 18, 1963, they went on an unfair labor practice strike; that when they offered to return to work on March 13, 1963, Locsin refused to admit them back; as to their wages, from the time of their employment, they worked everyday, except on Sundays and holidays, and were paid P1.50 per day, except eight of them who worked only for 150 days a year, and who were paid only a daily wage of P1.20 each. They asked for reinstatement and differential pay.

Upon denial of his motion to dismiss, respondent Locsin answered and hearing was held before a Court of Agrarian Relations Commissioner, wherein three of plaintiffs' witnesses testified.

On August 28, 1965, Locsin moved to dismiss on the ground that the Agrarian Court had no jurisdiction because there was no preliminary investigation in accordance with Section 5(b) of Republic Act 875, otherwise known as the Industrial Peace Act.

The Agrarian Court Judge Severiano de Leon, while observing that Section 27(5) of Republic Act 1199 refers to tenants and not to the farmworkers such as the complainants, nevertheless took cognizance of the case for the reason that the complaint was for unfair labor practice over which it had jurisdiction. As Section 55 of the Agricultural Tenancy Act allows the application of existing provisions of law not inconsistent with the Act, the Agrarian Court applied Section 5 of Republic Act 875 under which in a suit for unfair labor practice before the Court of Industrial Relations, a preliminary investigation is necessary before a complaint is filed. Considering the absence of this in the present case as a jurisdictional defect, the complaint was dismissed by the Agrarian Court on September 5, 1965.

Their motion for reconsideration having been denied, complainants appealed to Us, setting forth as issue the necessity of preliminary investigation before the Court of Agrarian Relations.

To put the issue in proper perspective, let us trace the procedure in both the Court of Agrarian Relations and the Court of Industrial Relations as regards the matter under consideration.

On October 29, 1936, Commonwealth Act No. 103 created the Court of Industrial Relations giving it jurisdiction over the entire Philippines, "to consider, investigate, decide, and settle all questions, matters, controversies, or

disputes arising, between, and/or affecting employers and employees or laborers and landlords and tenants or farm laborers, and regulate the relations between them, subject to the provisions of this Act." [3] Then, industrial laborers and their employers, tenants, landlords and farm laborers or agricultural workers were all within the Jurisdiction of the Court of Industrial Relations. Pursuant to Section 20 of the Act, the court promulgated on October 1, 1945 its Rules of Procedure applicable to all covered by its jurisdiction. The Rules did not provide for such preliminary investigation prior to the filing of the complaint. Years after, on June 17, 1953, Republic Act 875 - the Industrial Peace Act - took effect, which dealt with the relationship between employer and employee and disputes arising therein. The Act requires among others that a preliminary investigation be held after the charge for unfair labor practice is filed as preparatory to the filing of the formal complaint. [4] Then on August 30, 1954, came Republic Act 1199, more popularly known as the Agricultural Tenancy Act governing the relations between land-lord and tenant. The jurisdiction as to landlords and tenants was still in the Court of Industrial Relations until Republic Act 1267 became effective on June 14, 1955, creating the Court of Agrarian Relations with "original and 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. x x x." [5] The Agrarian Court was given the authority to adopt its rules of procedure [6] and in accordance therewith, the court promulgated [7] its own rules of procedure where nothing was said on the necessity of preliminary investigation.

As the law stood then when the complaint the pre-sent case was filed on April 14, 1963, the procedure contained in Section 5 of Republic Act 875 could not be applied to agricultural laborers, since Republic Act 875 was not then applicable to them. [8] The point whether agricultural laborers are now covered by Republic Act 875 by virtue of the Agricultural Land Reform Code is not being decided here. For, in any case, the present suit was filed before the Agricultural Land Reform Code took effect.

The procedure applicable to cases involving agricultural laborers prior to the creation of the Court of Agrarian Relations, was the Rules of the Court of Industrial Relations. After the Court of Agrarian Relations was created on June 14, 1955 until the effectivity of the Agricultural Land Reform Code on August 8, 1963, the procedure for said cases was that provided for in the Rules of the Court of Agrarian Relations. This, as stated, was the procedure applicable when the present suit was filed. And, finally, since August 8, 1963 to the present, the procedure governing agricultural laborers' cases is the Rules of Court by virtue of Sec. 155 of the Agricultural Land Reform Code. Neither the Rules of the Court of Agrarian Relations nor the Rules of Court require the preliminary investigation in question.

The violation of the Minimum Wage law not being one of the enumerated instances of unfair labor practices, in the second cause of action wage differential - there is, in any event, no need of preliminary investigation.

As regards the contention that the Agrarian Court has no jurisdiction over violations of the Minimum Wage Law, suffice it to say that Sections 1 and 7 of Republic Act 1267 created the Court of Agrarian Relations for the enforcement of all laws and regulations governing the relation of capital and labor on all agricultural lands under any system of cultivation, with exclusive jurisdiction over the entire Philippines to consider, decide and settle all, questions, matters, controversies or disputes involving all those relationships established by law. [9]

The question of whether reinstatement or differential pay may be ordered is a matter that should be determined upon the merits or at least on consideration of the main case, and not in the resolution of this incident of the case.

WHEREFORE, the questioned order of dismissal is hereby reversed and set aside. This case is hereby ordered remanded to the Eleventh Regional District of the Court of Agrarian Relations for further proceedings. No costs.

SO ORDERED.

Reyes, Acting C.J., Dizon, Makalintal, Zaldivar, Sanchez, Ruiz Castro, Angeles, and Fernando, JJ., concur.

[1] "The landholder shall not discourage, directly or indirectly, the formation, maintenance or growth of a union or organization of tenants in his landholding, but he shall not initiate, dominate, assist or interfere in the formation or administration of any such union or organization."

[2] Said law, effective 120 days after April 6, 1961, requires every farm enterprise operator of more than 12 hectares to pay his employees the following rates:

(a) P1.75 a day on the effective date of the Act and for one year thereafter but not to be reduced by allowances for board and lodging below P1.50 cash.

(b) P2.00 a day one year after its effectivity but not to be reduced by allowances for board and lodging below P1.75 cash.

(c) P2.50 a day one year thereafter but not to be reduced by allowances for board and lodging below P2.25 cash.

[3] Section 1.

[4] Section 5(b) of R.A. 875 National Union of Printing Workers v. Asia Printing, 99 Phil. 589.

[5] Section 7, R.A. 1267.

[6] Section 10, R.A. 1267.

[7] 52 O.G. 71; 53 O.G. 2728.

[8] Victorias Milling Co., Inc. v. CIR, G.R. No. L-17281, March 30, 1963; Santos v. CIR, G.R. No. L-17196, Dec. 28, 1961; Hacienda Esperanza v. CIR, G.R. No. L-18708, Nov. 28, 1962.

[9] Elizalde v. Allied Workers Association of the Philippines & CIR, G.R. No. L-20792, May 31, 1965.

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