

MARIA ELENA ARAULLO, PETITIONER, VS. MONTE DE PIEDAD SAVINGS BANK, ET AL., RESPONDENTS.*G. R. No. L-17840. April 23, 1963*

Ponente: CONCEPCION, J.

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This is a petition for review of a resolution of respondent Court of Industrial Relations dismissing a petition of Maria Elena Araullo.

Alleging that, on June 22, 1959, after twelve (12) years of service, as employee of respondent Monte de Piedad Savings Bank, the latter had dismissed her illegally, without just cause and without due process of law, on June 24, 1960, said Maria Elena Araullo filed, with respondent Court, a petition praying that, after due hearing, said respondent Bank be sentenced to reinstate her to her former position therein, with back wages, and to pay moral damages in the sum of P50,000.00, plus attorney's fees. Thereupon, respondent Bank moved to dismiss the petition for lack of jurisdiction of the Court to entertain the same. The motion was denied by a Judge of said Court, whose action was, however, reversed by the Court sitting en banc. Hence, the present petition for review.

The only issue before Us is whether or not the Court of Industrial Relations may hear and decide a petition for reinstatement of an employee who has been allegedly dismissed without just cause. The answer must be in the negative, for respondent Bank is not charged with unfair labor practice and the case at bar does not involve a labor dispute affecting an industry which is indispensable to the national interest and has not been so certified by the President (Republic Act No. 875, Section 10) or the operation either of the Minimum Wage Law, as provided in Section 16 (b) thereof (Republic Act No. 602), or of the Eight-Hour Labor Law (Commonwealth Act No. 444).

The case of Price Stabilization Corporation vs. CIR, L-13806 (May 23, 1960), relied upon by appellant is not in point. Although in that case we said 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 the employment," this pronouncement should be considered in relation to the facts of said Case, which referred to claims based, upon the said. provision of the Minimum Wage Law and the Eight-Hour Labor law, which are not involved in the case at bar (see, also, Campos, et al. vs. Manila Railroad Co., L-17905, May 25, 1962; Campos Rueda Corporation vs. Bautista, et al., L-18453, Sept. 29, 1962; Board of Liquidators and National Resettlement and Rehabilitation Administration vs. CIR, et al., L-14366, Oct 31, 1962; National Development Co. vs. CIR, L-15422, Nov 30, 1962; San Miguel Brewery, Inc. vs Floresca, et al., L-15427, April 26, 1962; Gracella, vs. El Colegio del Hospicio de San Jose, Inc., L-15152, Jan. 31, 1963; and American Steamship Agencies, Inc., vs. CIR, et al., L-17878, Jan. 31, 1963).

Wherefore, the resolution appealed from is hereby affirmed with cost against petitioner herein.

Bengzon, C. J., Padilla, Bautista Angelo, Reyes, J. B. L., Paredes, Dizon, Regala and Makalintal, J.J., concur.

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