

J. A. POMEROY & COMPANY, INC., ET AL., PETITIONERS, VS. THE HON. COURT OF INDUSTRIAL RELATIONS, ET AL., RESPONDENTS.

G.R. No. L-16057. September 29, 1961

Ponente: LABRADOR, J.

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LABRADOR, J.:

This is a petition for certiorari to review or reverse an order of the Court of Industrial Relations, refusing to dismiss CIR Case No. 1200-V of said court, entitled "Moises Valencia, et al., petitioners vs. J. A. Pomeroy Co. Inc., Hawaiian Dredging Co., Bechtel Corporation, etc., Respondents."

Said CIR Case No. 1200-V was instituted by Moises Valencia and thirteen other laborers of the respondents; for the collection of separation pay with interest, attorney's fees and moral and compensatory damages. The complaint has attached thereto the respective dates of service of the petitioners who were dismissed in the latter part of 1957 and 1958. The complaint is dated February 27, 1959. Immediately upon the presentation of the complaint, the respondents presented a motion to dismiss the complaint, alleging that there is no employer-employee relationship between petitioners and the respondents, and that the lower court had no jurisdiction to try and decide a petition purely for separation pay. The respondent court denied the motion on the strength of the case of Gomez vs. North Camarines Lumber Company, Inc., 104 Phil., 294; 56 Off. Gaz. (12) 2630. Upon the denial of a motion for reconsideration and affirmance by the court en banc of the order denying the motion to dismiss, the instant case was brought before Us upon a petition for certiorari.

There is no question that the petitioners in the court below were employed as laborers for various terms or periods between September, 1954 and June 25, 1958. The petition in the court below having been filed since February 27, 1959, the petitioners therein were no longer employees or laborers of the respondents at the time of the filing of the complaint. The complaint alleges that petitioners have been unjustly separated, but there is no claim or allegation that unfair labor practice had been committed. Neither is there any allegation to the effect that the separation has brought about a labor dispute of any sort. Furthermore, the prayer of the complaint does not ask for reinstatement, notwithstanding the fact that it is alleged that they have been unjustly separated. Under these circumstances there can be no doubt that the action instituted in the court below was merely for recovery of separation pay.

One of the latest decisions of this Court on the above point is the case of Fookien Times Company, Inc., and Go Puan Seng vs. The Hon. Court of Industrial Relations, et al., 113 Phil., 426; 59 Off. Gaz. 1916. In that case We held thus:

"It is claimed that the respondent court has no jurisdiction to take cognizance of said separation pay and overtime compensation. It is to be noted that no claim is made in the complaint for unfair labor practice or for reinstatement. Neither is there a claim that respondent is a member of any labor organization which has secured contractual rights with respect to her claim against the petitioner herein, respondent in the court below. The claim for separation pay and overtime compensation is therefore an ordinary claim for money, cognizable in the ordinary courts of justice. To such effect are the decisions of this Court in the cases of Mindanao Bus

Employees. Labor Union vs. The Mindanao Bus Company and the Court of Industrial Relations, G. R. No. L-9795, December 28, Aguilar vs. Salumbides, G. R. No. L-10124, Dec. 28, 1957; Roman Catholic Archbishop of Manila vs. Yanson, et al., G. R. Nos. L-12341 and L-12345, April 30, 1958; Chua Workers' Union vs. City Automotive Co., et al., G. R. No. L-11655, April 29, 1959."

The court below cited as reason for its order denying the motion to dismiss the decision of this Court in the case of Gomez vs. North Camarines Lumber Co., Inc., supra.

The decision in the case of Gomez vs. North Camarines Lumber Co., supra, has already been expressly overruled by Us in the subsequent case of PRISCO vs. CIR, et al., 108 Phil., 134, wherein this Court, thru Mr. Justice Barrera said:

"Analyzing these cases, the underlying principle, it will be noted in all of them, though not stated in express terms, is 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.

"We are aware that in 2 cases, some statements implying a different view have been made, but we now hold and declare the principle set forth in the next preceding paragraph as the one governing all cases of this nature."

Wherefore, we hereby declare that the respondent Court of Industrial Relations has no jurisdiction to try and decide cases involving purely collection of separation pay and the order of the lower court refusing to dismiss the complaint in this case is hereby set aside and said Civil Case No. L-1200-V is hereby ordered dismissed. Without costs.

Bengzon, C. J., Padilla, Reyes, J. B. L., Paredes, and De Leon, JJ., concur.

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