

BENJAMIN L. JALANDONI, JR., PETITIONER, VS. WILFREDO ARSENAL AND ATTOR-NEY JOSE Y. AGUIRRE, JR., IN HIS CAPACITY AS LEGAL OFFICER OF THE NATIONAL LABOR RELATIONS COMMISSION, DE...

G.R. No. L-37451. July 30, 1990

Ponente: GRINO-AQUINO, J.

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GRINO-AQUINO, J.:

This petition for certiorari with a prayer for the issuance of a writ of preliminary injunction is directed against the Orders dated August 10, 1973 and August 14, 1973 of the Legal Officer of the National Labor Relations Commission, Sub-regional Office, No. VII, Bacolod City, denying petitioner's motion to dismiss the private respondent's claim for overtime pay.

On July 9, 1973, the private respondent, Wilfredo Arsenal, a worker in the petitioner's Hacienda Malinong, Municipality of Pontevedra, Negros Occidental, filed against the petitioner, Benjamin L. Jalandoni, Jr., in the NLRC, Sub-regional Office, No. VII, Bacolod City and docketed as Case No. 140-73, a claim for overtime pay. Arsenal's job ranged from cutting sugarcanes, removing weeds, applying fertilizers, and other forms of tilling the land.

Upon receipt of the complaint, the legal officer of the National Labor Relations Commission, Atty. Jose Y. Aguirre, Jr., subpoenaed the petitioner to appear and be heard before him on July 19, 1973.

On August 6, 1973, petitioner filed a motion to dismiss the complaint on the ground that the NLRC has no jurisdiction over the case as it involves a money claim arising from agrarian relations, jurisdiction over which is vested in the Court of Agrarian Relations (or CAR), now the Regional Trial Court.

The public respondent denied petitioner's motion to dismiss. Hence, this petition for certiorari with preliminary injunction.

The issue is whether the NLRC has jurisdiction over Arsenal's complaint for overtime pay as a laborer on Hacienda Malinong.

At the time of its filing in 1973, Arsenal's complaint was cognizable by the Court of Agrarian Relations, not the NLRC, because the Agricultural Land Reform Code (R.A. 3844), defines the jurisdiction of the Court of Agrarian Relations as follows:

"Sec. 154. Jurisdiction of the Court. - The Court shall have original and exclusive jurisdiction over:

"(1) All cases or actions involving matters, controversies, disputes, or money claims arising from agrarian relations: Provided, however, That all cases still pending in the Court of Agrarian Relations established under Republic Act Number Twelve Hundred and Sixty-seven, at the time of the effectivity of this Code, shall be transferred to and continued in the respective Courts of Agrarian Relations with whose district the sites of the cases are located."

As Hacienda Malinong is planted to sugarcane, it is undoubtedly an agricultural land which is defined in R.A. 3844, as "land devoted to any growth, including but not limited to crop lands, salt beds, fish ponds, idle land and abandoned land as defined in paragraphs 18 and 19 of this section respectively." The private respondent who performs jobs on the Hacienda like applying fertilizer, removing of weeds and cutting the sugarcanes is clearly an agricultural worker or farm laborer (Sec. 166, par. 15, R.A. 3844).

Arsenal's complaint against his employer for alleged non-payment of overtime wages is an agrarian dispute which under paragraph 17, Sec. 166 of R.A. 3844 is:

"x x x any controversy relating to terms, tenure, or conditions of employment or concerning an association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of farm employers and employees." (Underscoring ours.)

However, the case has been overtaken by events. On November 1, 1974, Presidential Decree No. 442 was issued, instituting a Labor Code, by revising and consolidating labor and social laws to afford protection to Labor, promote employment, and insure industrial peace. This law transferred to the Bureau of Labor Relations the power of the Court of Agrarian Relations to hear and decide representation cases in relation to agricultural workers. Article 265 of P.D. 442, dated November 1, 1974 reads:

"Art. 265. Jurisdiction of the Commission. - The Commission shall have exclusive appellate jurisdiction over all cases decided by the Labor Arbiters and compulsory arbitrators.

"The Labor Arbiters shall have exclusive jurisdiction to hear and decide the following:

“(a) x x x

“(b) x x x

“(c) Claims involving non-payment or underpayment of wages, overtime compensation, separation pay, maternity leave and other money claims arising from employer-employee relations, except claims for workmen's compensation, social security and medicare benefits. The power of the Court of Agrarian Relations to hear and decide representation cases in relation to agricultural workers is hereby transferred to the Bureau:

"xxx." (Emphasis supplied.)

However, P.D. 570-A also issued on November 1, 1974 introduced amendments which resulted in changing the number of Article 265 to Article 266.

Under P.D. 643 of January 21, 1975, Art. 266 became Art. 216. Still later, P.D. No. 850 of December 16, 1975 amended Art. 216 by providing as follows:

"Art. 216. Jurisdiction of Labor Arbiters and the Commission. - (a) The Labor Arbiters shall have exclusive jurisdiction to hear and decide the following cases involving all workers, whether agricultural or non-agricultural:

“(1) x x x

“(2) x x x

“(3) All money claims of workers involving non-payment or underpayment of wages, overtime or premium compensation, maternity or service incentive leave, separation pay or other money claims arising from employer-employee relations, except claims for employee's compensation, social security and medicare benefits and as otherwise provided in Article 127 of this Code;

"4. x x x."

Under P.D. 1367 of May 1, 1978, Art. 216 of the Labor Code was renumbered as Art. 217 which provides as follows:

"Art. 217. Jurisdiction of Labor Arbiters and the Commission. - (a) Except as otherwise provided under this Code, the Labor Arbiters shall have original and exclusive jurisdiction to hear and decide, within thirty (30) calendar days after the submission of the case by the parties for decision without extension, even in the absence of stenographic notes, the following cases involving all workers, whether agricultural or non-agricultural: x x x."

At present, Art. 217 of the Labor Code, as amended by R.A. No. 6715 of March 2, 1989 and R.A. No. 6725 of May 12, 1989, provides:

"Art. 217. Jurisdiction of Labor Arbiters and the Commission. - (a) Except as otherwise provided under this Code, the Labor Arbiters shall have original jurisdiction to hear and decide, within thirty (30) calendar days after the submission of the case by the parties for decision without extension, even in the absence of stenographic notes, the following cases involving all workers, whether agricultural or non-agricultural:

"(1) x x x

"(2) x x x

"(3) If accompanied with a claim for reinstatement, those cases that workers may file involving wages, rates of pay, hours of work, and other terms and conditions of employment;

"(4) x x x

"(5) x x x

"(6) Except claims for employees' compensation, social security, medicare and maternity benefits, all other claims arising from employer-employee relations including those of persons in domestic or household service involving an amount exceeding Five Thousand Pesos (P5,000.00), whether or not accompanied with a claim for reinstatement.

"(b) The Commission shall have exclusive appellate jurisdiction over all cases decided by the Labor Arbiters."
(Underscoring supplied.)

In view of the foregoing changes in the law, the private respondent's claim for overtime pay, which was improperly filed in the NLRC in 1973, is now properly lodged therein. It may no longer be shunted to the courts which have already lost jurisdiction to hear and decide the claim.

WHEREFORE, the petition for certiorari is dismissed. The present case should be assigned to the Labor Arbiter of the National Labor Relations branch office in Bacolod City for proper determination. No costs.

SO ORDERED.

Narvasa, (Chairman), Cruz, Gancayco, and Medialdea, JJ., concur.

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