

DAVAO FAR EASTERN COMMERCIAL COMPANY, PETITIONER AND APPELLEE VS. ALBERTO C. MONTEMAYOR, REGIONAL LABOR ADMINISTRATOR NO. 8, RAYMUNDO DAZA, HEARING OFFICER OF THE REGIONAL LABOR...

G. R. No. L-16581. June 29, 1962

Ponente: PADILLA, J.

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PADILLA, J.:

Appeal on a pure question of law from a judgment rendered on 24 September 1959 by the Court of First Instance of Davao enjoining permanently the regional Office No. 8 of the Department of Labor from hearing case No. LS-653 which involved a claim for underpayment of wages under Republic Act No. 602, known as the Minimum Wage Law, and for overtime pay under Commonwealth Act No. 444, as amended, known as the Eight-Hour Labor Law (special civil case No. 3022).

The record shows that Timoteo Chatto, a store helper in the Davao Far Eastern Commercial Company, filed in the Regional Office No. 8 of the Department of Labor, Davao City, an amended complaint dated 15 May 1958 praying that the Davao Far Eastern Commercial Company, hereafter referred to as the Company, be ordered to pay him underpaid wages and overtime compensation in the total amount of P3,450 from 15 May 1955 to 4 March 1958 (No. LS-653, Annex A). The Company filed an answer dated 22 May 1958 with a counterclaim for attorney's fees in the sum of P500 (Annex B), followed by a motion dated 20 August 1958 praying for the dismissal of the amended complaint on the ground of lack of jurisdiction (Annex C), to which the claimant objected (Annex C-1). On 23 February 1959 the Regional Office No. 8 denied the motion to dismiss (Annex D).

Claiming that the regional office had no power or jurisdiction over the case as the Reorganization Plan No. 20-A which empowered it to hear money claims is unconstitutional, on 7 May 1959 the Company filed in the Court of First Instance of Davao a petition for writs of certiorari and prohibition with preliminary injunction to enjoin the Regional Office and its officer from hearing case No. LS-653 and to declare him without power or jurisdiction to hear and decide it and null and void the proceedings theretofore had therein, and for any other just relief. On 9 May 1959 the Court enjoined the hearing of case No. LS-653 and ordered the Regional Labor Office No. 8 and/or its hearing officer and the claimant to answer the petition within ten days from notice. On 21 May 1959 the administrator and hearing officer filed their answer and the claimant moved for the dissolution of the writ of preliminary injunction and the dismissal of the petition, to which on 26 May 1959 the Company objected. On 13 June 1959 the claimant's motion was denied and the denial was reiterated on 29 July 1959. On 29 August 1959 the Company moved for judgment without submitting any further evidence. On 9 September 1959 the claimant filed a "Submission of Facts." On 24 September 1959 the Court rendered the judgment which now is the subject of this appeal.

That the Reorganization Plan No. 20-A is unconstitutional and that the Department of Labor and/or its regional offices created by such Plan have no power or jurisdiction to hear and determine money claims such as

underpayment of wages and overtime pay are settled issues.[1]

The judgment appealed from is affirmed without pronouncement as to costs.

Bengzon, C. J., Bautista Angelo, Labrador, Concepcion, Barrera, Paredes, Dizon, Regala, and Makalintal, JJ., concur.

[1] Coromias, Jr. vs. Labor Standard Commission et al., 112 Phil., 551 and De Vera vs. Supitran, 112 Phil., 757.

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