

JOSE SERRANO, PETITIONER, VS. LUIS SERRANO, MARCELINO MONTANTE AND HON. COURT OF INDUSTRIAL RELATIONS, RESPONDENTS.

G.R. No. L-19562. May 23, 1964

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

Appeal by certiorari from an order of the Court of Industrial Relations, the dispositive part of which reads;-

"WHEREFORE, the Examining Division of this court is hereby ordered to compute the unpaid wages of the petitioners together with their overtime compensation on the basis of the evidence adduced by the petitioners until the day of their respective dismissal and to submit a report thereof to the Court for its further disposition."

On July 7, 1962, herein respondents Luis Serrano and Marcelino Montante, filed with the Court of Industrial Relations, a petition alleging that herein petitioner Jose Serrano, had engaged their services in the construction of his apartment house at Ho. 1317 Makata St., Manila; that they had worked in said construction twelve (12) hours a day, but were not paid either their basic daily wages or the corresponding overtime compensation, and that thereafter petitioner had illegally dismissed them, as well as refused, not only to pay said wages and overtime compensation, but, also, to reinstate them to their former work, and, accordingly, praying that judgment be rendered sentencing the petitioner to make said payments and reinstatement.

In his answer, petitioner denied the existence of employer-employee relationship between him and respondents and assailed the jurisdiction of said court to hear and decide the case upon the ground that it merely involved money claims, because the construction of the house in question had already been completed, and that the complaining employees do not exceed thirty (30) in number.

After appropriate proceedings, the lower court issued the order complained of, finding that the allegations in respondents' petition had been established by the evidence, and that they were, therefore, entitled to recover wages and overtime compensation which the Examining Division of the Court was directed to compute, but not ordering respondents' reinstatement, the same being impossible owing to the fact that the construction of the house had been finished in the meanwhile. On motion for reconsideration filed by petitioner, said order was affirmed by the court en banc. Hence, this appeal by certiorari.

Petitioner maintains that the order appealed from should be annulled and the case dismissed because (1) the lower court had no jurisdiction over the subject matter of the case; and (2) he had been denied due process. Petitioner questions the jurisdiction of the lower court to entertain this case upon the ground that the same merely involves money claims, for although respondents seek reinstatement to their former work, this is no longer feasible the house they had been hired to construct having been completed already. Petitioner's contention is untenable for the court's jurisdiction over the subject matter of a litigation is determined by the allegations of the complaint and those made in respondents' petition in the lower court are conceded sufficient to confer thereto that

jurisdiction. Moreover, said court found that respondents Luis Serrano and Marcelino Montante were dismissed on April 30 and May 30, 1960, respectively, and the record shows affirmatively that the construction was then incomplete. In fact the evidence sufficiently indicates that respondents had seasonably brought their grievances to the attention of the proper labor officials, although the latter were unable to file the corresponding petition until July 7, 1960. It being settled that the Court of Industrial Relations has jurisdiction over claims for overtime compensation when coupled with a prayer for reinstatement, it is clear that the satisfaction of the unpaid wages may likewise be ordered incidentally to said jurisdiction (*Gomez vs. North Camarines Lumber Co., Inc.*, 104 Phil., 294).

The alleged denial of due process is predicated upon the following circumstances:

When this case was first called for hearing on the merits, petitioner moved for the dismissal of the case upon the aforementioned ground of lack of jurisdiction. The resolution of this motion was, however, deferred, and the parties were directed to introduce their respective evidence. Thereupon respondents presented their evidence, and petitioner introduced the testimony of several witnesses. Then the hearing was continued to another date. When it was resumed on October 27, 1960, petitioner moved for an ocular inspection of the house aforementioned. The motion was denied upon the ground that the inspection could not settle the question whether the house had been completed before or after July 7, 1960. Then, petitioner moved for continuance of the hearing, which was denied. Required to present such other evidence as he may have, petitioner declined to do so and then left the courtroom. When the case was next called for continuation of the hearing, on November 10, 1960, petitioner did not appear. Respondents moved to submit the case for decision, but the motion was denied, and the case was set for continuation of the hearing on June 26, 1961. On this occasion, petitioner reiterated his request for a ruling on his motion to dismiss. However, petitioner was ordered to bring his evidence and submit the case the next day. What happened then is set forth in the order appealed from, from which we quote:

"* * * The following day, June 27, 1961, due to the flood, no hearing was held. However, on July 3, 1961, counsel for respondent filed an 'Urgent Manifestation' praying for a hearing of the motion to dismiss dated November 2, 1960. The Clerk of Court obliged and set the case for hearing on September 1, 1961 at 9:00A.M. The records show that respondent counsel received said notice of hearing. On August 31, 1961, counsel for respondent wrote again the Clerk of Court reiterating a ruling first on its motion dated November 2, 1960 before hearing the case anew. It is clear from the records that on September 1, 1961 the date set for hearing, respondent again miserably failed to appear, so petitioners thru its representative, moved to consider the case deemed submitted."

Hence, the trial Judge concluded:

"After a careful review and study of the evidence adduced by the parties, more particularly the respondent's, the Court believes that after affording the respondent sufficient time to adduce its evidence and failing to take advantage of said opportunity, respondent has waived its right to adduce said additional evidence. In view of this, the case is deemed submitted for its resolution."

It is urged by petitioner that the lower court had erred in issuing the order complained of before he had rested and submitted the case for decision, and that he was not bound to so submit the case before the court had passed upon his aforesaid motion to dismiss. It is well settled, however, that a court has ample discretion to defer its action upon such motion until after the parties have introduced all of their evidence and submitted the case for decision on the merits, and, under the circumstances obtaining in the present case, we are not prepared to hold that the lower court had abused its discretion in acting as it did. What is more, we are satisfied that petitioner's behavior indicated, either that he had virtually submitted the case for decision, or that he had no additional evidence to introduce. In fact, he does not claim that he has any such evidence, much less intimated the nature thereof.

In short, petitioner has not been denied due process and since the evidence of record substantially bears out the findings of fact made in the order complained of, the same is hereby affirmed, with costs against petitioner Jose Serrano. It is so ordered.

Bengzon, C.J., Padilla, Bautista Angelo, Labrador, Reyes, J.B.L., Barrera, Paredes, Dizon, Regala, and Makaiintal, JJ., concur.

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