

NATIONAL SHIPYARDS AND STEEL CORPORATION, PETITIONER, VS. DEOGRACIAS ALMIN, DELFIN HARDIN, ET AL., RESPONDENTS.

G. R. No. L-9055. November 28, 1958

Ponente: BENGZON, J.

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BENGZON, J.:

On July 12, 1954, Deogracias Almin and 35 other security guards of the National Shipyards and Steel Corporation—hereinafter called NASSCO—filed with the Court of Industrial Relations a petition for overtime compensation, alleging that since 1950 they had been rendering service on Sundays, legal holidays and even at night, and that for such extra work they had received no additional pay.

On August 10, 1954, one judge of the Court dismissed the petition on the ground of lack of jurisdiction; but on motion to reconsider the Court in banc, by a vote of three against one, declared itself with adequate jurisdiction to entertain the request.

Hence, the NASSCO filed this action for certiorari resting on the proposition that after the passage of the Industrial Peace Act (Republic Act 875) said Court has "no jurisdiction over matters not constituting unfair labor practices, nor over cases not certified by the President as involving industry indispensable to national interest, nor over cases not causing or likely to cause a strike or lockout", and that this is not one of such matters or cases.

The respondents maintain that they merely sought enforcement of the Eight-Hour Labor Law by the respondent Court, which is vested with sufficient authority therefor.

This single issue, however, debatable at the time of its presentation, may now be deemed settled by several definite rulings of this Tribunal. In *Philippine Association of Free Labor Unions vs. Tan*[1], we held thru Mr. Justice Bautista Angelo, that even after the approval of Republic Act 875, the jurisdiction of the Industrial Court extends to disputes involving the Eight-Hour Labor Law (Commonwealth Act 444).

Other decisions reiterating identical view were *Reyes vs. Tan*, 99 Phil., 880; 52 Off. Gaz., 6187; and *Cebu Port Labor Union vs. States Marine Corp.*, 101 Phil., 468.

And quite recently[2], we dismissed a complaint filed in the Manila court of first instance to recover supposedly unpaid overtime wages (Eight-Hour Labor Law), even as we directed its submission to the Court of Industrial Relations as the appropriate forum.

Wherefore, this certiorari proceeding should be, and it is hereby dismissed. No costs.

Paras, C. J., Padilla, Montemayor, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L. and Endencia, JJ., concur.

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