

EMILIO FLORES, ET AL., PETITIONERS, VS. VICENTE SAN PEDRO, ET AL., RESPONDENTS.*G.R. No. L-8580. September 30, 1957*

Ponente: REYES, A., J.

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This case deals with the prescription of action for the recovery of overtime compensation under the Eight- Hour Labor Law (Com. Act No. 444).

The petitioners, former employees in respondents' electric and ice plants in Urdaneta, Pangasinan, filed three suits on May 7, 1954, in the Court of First Instance of that province to recover compensation for overtime work alleged to have been rendered by them during the period of their employment, the aggregate sum claimed, including damages, interests and attorney's fees, being P152,473.34. The defendants, now respondents herein, moved for the dismissal of the suits on the ground of prescription, invoking the three-year prescriptive period provided for in the Minimum Wage Law (Rep. Act No. 602) in default of a prescriptive period for actions under the Eight-Hour Labor Law. Upholding defendants theory that claims for overtime compensation prescribe in three years, the lower court ordered the complaints amended "so as to include only the claims for overtime payments due to plaintiffs within three years before the filing of said complaints and which accrued after May 7, 1951." Reconsideration of the order having been denied, plaintiffs brought "the present petition for certiorari to have the said order annulled as violative of their vested rights and rendered with grave abuse of discretion. Respondents in their answer question the propriety of the remedy, but they did not press that point in their memorandum, and, with the petition already given due course to clear up a disputed point of law, the same may well be decided on the merits.

It is settled that the right to extra compensation for overtime work cannot be validly waived and that the action for its recovery is not barred by laches or estoppel. (*Detective & Protective Bureau, Inc. vs. Court of Industrial Relations et al.*, G. R. No. L-4337, December 29, 1951; *Manila Terminal Co. vs. Court of Industrial Relations et al.*, 43 Off. Gaz., 2725.) But this does not necessarily mean that such action is imprescriptible, for the principles underlying prescription on the one hand and laches and estoppel on the other are not exactly the same. Moreover, as this Court said in the case of *Luzon Stevedoring Co., Inc. vs. Luzon Marine Department et al.*, G. R. No. L-9265, April 29, 1957, "there may be cases in which the silence of the employee or laborer who lets the time go by for quite a long period without claiming or asserting his right to overtime compensation may favor the inference that he has not worked any such overtime or that his extra work has been duly compensated," And Congress, by the enactment of the law for the recovery of overtime compensation could not have intended that an employee might, before bringing his action, wait until the passing of time had destroyed all the documentary evidence and the memory of witnesses had faded or become dim (157 A. L. R. 548), for that would render the action practically indefensible and might cause such great accumulation of unpaid overtime wages as would bankrupt an employer who is ordered to pay them and necessitate the closure of his business to the detriment of the employees themselves.

A similar situation has confronted the courts of the United States under the Fair Labor Standards Act of that country, which contains no provision limiting the time for commencing actions thereunder. The courts there hold that the right to overtime compensation under that Act may neither be waived nor its enforcement defeated on the ground of estoppel (56 C.J.S. 736-739); but they are also unanimous in the opinion that actions for the recovery of such compensation are subject to the state statutes of limitations. (56 C.J.S. 776; 157 A.L.R. 545-5A-6.) Considering that our labor laws are patterned after those of the United States, the ruling of the courts there is entitled to great weight.

The next question to determine is what period of prescription to apply where the law itself, i. e., the Eight-Hour Labor Law, has not fixed the period.

The court below ruled that the three-year period prescribed in the Minimum Wage Law for enforcing a cause of action arising thereunder should also apply to actions for enforcing the Eight-Hour Labor Law since the latter law did not provide for a prescriptive period of its own. (It should here be explained that on June 22, 1957 an amendment was approved — Rep. Act No. 1993 — providing for such a period but with the proviso that the same shall not affect actions already commenced.) The ruling below cannot be upheld. The prescriptive period provided for in the Minimum Wage Law (section 17, Rep. Act No. 602) specifically refers to the enforcement of any cause of action under that Act and its application cannot be extended to causes of action arising under the Eight-Hour Labor Law on the theory propounded by the lower court that the two laws are in *pari materia*, because in point of fact they are not. Both, it is true, relate to labor. But they are distinct and separate measures. One treats of minimum daily wages with no provision for compensation for overtime work; the other deals with the length of a working day in terms of hours with express provision for compensation for service rendered beyond the required hours of work. Also, the penalties prescribed in one are different from those in the other. Moreover, the rule of *pari materia* is resorted to only as an aid to statutory construction. We do not think its application should be widened to the extent of supplying a deficiency of a prescriptive period in one statute with a prescriptive period provided for in another.

On the other hand, the rule is that the general law shall supply deficiencies in special laws. (Art. 16, old Civil Code; *Leyte A. & M. Oil Co. vs. Block, Johnston & Greenbaum*, 52 Phil. 429; see also art. 18, new Civil Code*) In the absence, therefore, of any prescriptive period in the Eight-Hour Labor Law, the statute of limitations provided for in the general law—in this case Act No. 190 (the old Code of Civil Procedure) or the new Civil Code—applies.

On the theory that the laws in force at the time a contract is entered into, in so far as applicable form part of the contract, actions for recovery of wages or overtime compensation under the Fair Labor Standard Act of the United States are regarded by most courts there as actions upon contract. We find this view reasonable, and there being no dispute that the contracts of employment in the present case were oral, we have to hold that the period of prescription applicable to petitioners actions in the lower court was, both under Act 190 and the new Civil Code, six years. (Sec. 43, par. 2, Act 190; art. 1145, new Civil Code.) That period should be counted — since there is no special provision which ordains otherwise — from the day petitioners actions could have been brought. (Art. 1969, old Civil Code; art. 1150 of the new.) And such actions could have been brought at the end of each regular pay period when payment of overtime compensation became due.

In view of the foregoing, the order complained of is modified in the sense that the petitioners¹ complaints shall be amended to include only those portions of petitioners claims for overtime payment as are within the period of six years counted from the accrual of their respective causes of action.

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

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