

HERIBERTO S. ORTIZ, PLAINTIFF-APPELLANT, VS. PACIFIC ENGINEERING CO., INC., DEFENDANT-APPELLEE.

G.R. No. L-12086. January 30, 1959

Ponente: PARAS, C.J.

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PARAS, C.J.:

On May 28, 1952, the plaintiff presented before the Wage Administration Service, Department of Labor, a claim against the defendant for alleged overtime and differential pay as watchman from March 15, 1951 to March 31, 1952. Failing to arrive at an amicable settlement, the parties entered into an " arbitration" and presented their respective evidence before the Acting Chief of the Legal Section of the Wage Administration Service who thereafter ruled that, upon the basis of said evidence, the plaintiff's claim was without merit.

After the lapse of more than two years, or on November 29, 1954, the plaintiff filed a complaint against defendant in the Municipal Court of Manila for the payment of the same claim presented before and already overruled by the Wage Administration Service. After the defendant's motion to dismiss had been denied and after trial on the merits, the Municipal Court rendered a decision absolving the defendant from the complaint. Upon appeal by the plaintiff, the Court of First Instance of Manila, acting upon the motion to dismiss filed by the defendant, sustained the latter's contention that the decision of the Wage Administration Service disallowing the same claim of the plaintiff had become final binding and conclusive upon the parties, and accordingly dismissed the complaint. The plaintiff has appealed.

When the appellant filed the claim in question before the Wage Administration Service, he voluntarily recognized and submitted to its authority and jurisdiction. He thereby bound himself to abide by its decision, subject only to his right of appeal. Under the Minimum Wage Law, he could have obtained a review of the ruling of the Wage Administration Service within fifteen days after the entry and publication of its decision. To countenance now the judicial action instituted by the appellant after he had failed to appeal from the adverse verdict of the Wage Administration Service, would be to strip the regular proceedings of a validly constituted agency of their virtuality. This is neither salutary nor sanctioned by law.

The order appealed from will therefore be, as the same is hereby, affirmed with costs against the appellant. So ordered.

Bengzon, Padilla, Montemayor, Reyes, Bautista Angelo, Labrador, Concepcion, and Reyes, J.B.L., JJ., concur.

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