

**VICTORIA BISCUIT CO., INC., PETITIONER AND APPELLANT, VS.
JORGE BENEDICTO, REGIONAL OFFICE 3, P. G. MALIWANAG, RUBEN
F. SANTOS, LABOR STANDARDS COMMISSION, SHERIFF OF RIZAL
PROV...***G.R. No. L-18800. March 30, 1963*

Ponente: LABRADOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/b45a2eefb2ec/>**LABRADOR, J.:**

On August 5, 1957 Dionisio Bania filed a complaint (amended on October 1, 1957) against petitioner herein Victoria Biscuit Co., Inc., with the Regional Office No. 3 of the Department of Labor, for the recovery of overtime and separation pay. On October 18, 1957 an answer was filed by petitioner denying in substance the allegations, contained in the complaint. After hearing, the Hearing Office . dismissed the complaint for lack of merit. Bania appealed the decision to the Labor Standards Commission. Respondent P.G. Maliwanag, to whom the appealed case was assigned by the said Commission, reversed the decision of the Hearing Officer, insofar as the question of overtime pay was concerned and allowed respondent Bania to recover from petitioner the sum of P1,901.74, with legal interest from July 25, 1957 until the whole amount is paid. Petitioner appealed, the decision of respondent Maliwanag to the same commission in banc. In a decision dated June 21, 1960, the Commission affirmed the grant of overtime pay but modified the amount of the award to P904.87, with legal interest from August 5, 1957 until fully paid.

The Victoria Biscuit Co. appealed to the Court of First Instance of Manila, the case being docketed as Civil Case No. 43863. Instead of filing an answer, the appellant filed a motion for dismissal on the ground that the Regional Office No. 3 as well as the Labor Standards Commission, have no jurisdiction to hear, much less decide the subject matter of the action; that the causes of action, if any, have already prescribed, and that the claim or demand set forth in plaintiff's (Bania's) complaint had been released. On September 3, 1960, Bania filed a manifestation where he declared that he was joining the petitioner in its motion to dismiss the case, although he did not necessarily mean that he concurred with the three (3) grounds relied upon by the petitioner. In an order dated September 10, 1960, the Court of First Instance of Manila, presided over by Judge Conrado M. Vasquez, dismissed Civil Case No. 43863.

On December 1, 1960 Ruben F. Santos, Commissioner of the Labor Standards Commission, issued a writ of execution to enforce the decision of the Commission dated June 21, 1960. Thereupon the provincial sheriff sent a notice of garnishment to the Philippine Bank of Communications, the depository of the petitioner, so the Victoria Biscuit Co., Inc. filed the petition for certiorari and prohibition (docketed as Civil Case No. 45930) which initiated the present proceedings before Us, alleging the facts set forth hereinabove and claiming that the effect of the dismissal of Civil Case No. 43863 of the Court of First Instance of Manila by Judge, Conrado Vasquez was the setting aside of the decision of the Labor Standards Commission; that the said Commission had/no jurisdiction to declare the petitioner herein liable for overtime pay in the amount of P104.87; and that Commissioner Santos of the Labor Standards Commission acted without or in excess of his jurisdiction in ordering the execution of the

judgment of the Commission already alluded to.

The petition included a motion for the issuance of a writ of preliminary injunction. In the hearing of the petition for injunction it was argued that the petitioner herein should deposit the sum of P1,100.61, which petitioner did, so the garnishment on petitioner's funds in the bank was lifted.

Respondents answered the petition for certiorari alleging that respondent, Bania did not object to the dismissal of Civil Case No. 43863 of the Court of First Instance of Manila, and the effect of his agreement to the withdrawal or dismissal of 'the appeal was the revival of the judgment of the Commission sought to be set aside in the action.

The case having been heard by the court, the latter rendered judgment declaring that the dismissal of the case pending before Judge Vasquez, upon motion of the Victoria Biscuit Co., had the effect of withdrawing its appeal from the decision of the Labor Standards Commission, and this in turn resulted in the revival of the said decision of the Labor Standards Commission; and that the conformity of respondent Bania to the petitioner's motion for dismissal produced no effect, the order of dismissal having, been based on the motion presented by petitioner herein Victoria Biscuit Co. This decision is the subject of the present appeal before us.

On this appeal the Victoria Biscuit Co., Inc. makes the following assignment of errors:

I

THE TRIAL COURT ERRED IN HOLDING THAT THE ORDER OF DISMISSAL OF CIVIL CASE NO. 43863 BY JUDGE CONRADO M. VASQUEZ HAD THE EFFECT OF REVIVING THE DECISION OF THE LABOR STANDARDS COMMISSION EN BANC FOR SAID ORDER IS IN THE NATURE OF WITHDRAWAL OF THE APPEAL.

II

THE TRIAL COURT ERRED IN HOLDING THAT THE DECISION OF THE LABOR STANDARDS COMMISSION EN BANC REQUIRING VICTORIA BISCUIT CO., INC. TO PAY OVERTIME PAY TO DIONISIO BANIA CAN BE ENFORCED.

There is no question that the Regional Office No. 3 which took cognizance of the claim of respondent Bania for overtime and separation pay was absolutely without jurisdiction thereof as a money claim." This is the ruling of this Court in a long line of decisions, beginning with the case of *Corominag vs. Labor Standards Commission*, G.E. No. L-14837, dated June 30, 1961 and *Vicente Tan vs. Belen de Leon*, G.R. No. L-15254, dated September 16, 1961. Since the Regional Office No. 3 had no jurisdiction of Bania's claim, neither had the Labor Standards Commission jurisdiction over such claim. As the Labor Standards Commission had no jurisdiction, it also had no power to issue a writ of execution for the enforcement of the decision.

Appellee Bania in his brief argues that upon the dismissal of Civil Case No. 45930 of the Court of First Instance of Manila and the deposit of the amount of 11,500.61 for the payment of Bania's claim, the decision of the Labor Standards Commission was revived. Let us examine the claim of respondent Bania as borne out by the proceedings in Civil Case No. 45863. In said case the Victoria Biscuit Co., Inc. presented a motion for the dismissal of the case on the following grounds:

- THAT THE REGIONAL OFFICE NO. 3 AS WELL AS THE LABOR STANDARDS COMMISSION HAS NO JURISDICTION TO HEAR, MUCH LESS DECIDE THE SUBJECT MATTER OF THE PRESENT ACTION;
- THAT THE CAUSES OF ACTION, IF ANY, HAVE ALREADY PRESCRIBED;

- THAT THE CLAIM OR DEMAND SET FORTH IN PLAINTIFF'S COMPLAINT HAS BEEN RELEASED."

and the judge, acting upon said motion, dismissed the case with the following order:

"On motion of the defendant, which brought this case on appeal to this Court from the decision of the Labor Standards Commission, to dismiss the said appeal, and plaintiff having expressed its conformity to the said motion, provided that the dismissal of the appeal, shall not be on the grounds stated in the motion to dismiss filed by the defendant, dated August 31, 1960, this case is hereby dismissed without cost."

So, the question now is what really were the grounds upon which the court dismissed the appeal? It could not have been other than those stated in the motion to dismiss, the most important reason being that the Labor Standards Commission as well as the Regional Office No. 3 had no jurisdiction over the case. The conformity of the plaintiff to the motion to dismiss is of no effect. Consequently, it cannot be stated that the order of dismissal had the effect of reviving the decision of the Labor Standards Commission ordering the Victoria Biscuit Co. to pay the sum mentioned in the decision. Even if the dismissal was based on the grounds stated in the conformity of, the plaintiff-respondent Bania's theory, the judgment of the Labor Standards Commission did not become valid and binding on the Victoria Biscuit Co. by its alleged implied conformity; since the Labor Standards Commission, as well as the Regional Office No. 3 had no jurisdiction over the claim of Bania, the consent of the parties to its judgment did not have the effect of legalizing its decision. The jurisdiction of courts is fixed by law and not by the consent of the parties.

So that from whatever point of view we examine the decision of the Labor Standards Commission, whether it had jurisdiction of the claim or whether the Commission's judgment was ratified by the court of first instance, the said judgment or decision is always null and void for lack of jurisdiction.

Wherefore, the judgment dismissing the petition for certiorari is reversed and the writ is hereby granted, and the decision of the Labor Standards Commission sought to be reviewed is declared null and void and of no effect and its enforcement enjoined. With costs against respondent Dionisio Bania. So ordered.

Bengzon, C. J., Padilla, Concepcion, Reyes, J. B. L., Barrera, Paredes, Dizon, Regala and Makalintal, JJ., concur:

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.