

NARIC WORKERS' UNION, PETITIONERS, VS. COURT OF INDUSTRIAL RELATIONS AND NATIONAL RICE AND CORN CORPORATION, RESPONDENTS.

G.R. No. L-14999. December 30, 1961

Ponente: PAREDES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/b519743ccdd4/>

PAREDES, J.:

On November 10, 1952, the respondent Court of Industrial Relations issued the following Order in Case No. 746-V, entitled "Naric Workers' Union vs. The National Rice and Corn Corporation (NARIC)":

"* * * Pending the investigation and settlement of the dispute, the petitioner union is hereby enjoined not to cause any stoppage of work, walkout or strike. Likewise, the respondent corporation is enjoined to refrain from accepting other laborers and/or employees and from suspending, laying off, or dismissing any employee or laborer without just cause and unless with expressed authority of the Court. The respondent is further enjoined not to close its operation pending the investigation and settlement of the dispute".

On December 27, 1953, the NARIC dismissed one of its employees, Bienvenido Hementera, a warehouseman at its Cabanatuan City Branch, for alleged irregularity in office.

On November 16, 1956, the Naric Workers' Union filed in the case (746-V) a petition for the Reinstatement of Hementera, (designated as case No. 746-V [12]), alleging that the dismissal of Hementera was in violation of the injunctive Order dated November 10, 1952. NARIC presented a motion to dismiss the petition for reinstatement, contending that Hementera was dismissed for justifiable cause and that the petition was filed out of time.

After due hearing, on July 11, 1958, the respondent Court dismissed the petition in an Order, the pertinent portions of which reads—

"Without, therefore, discussing on the issues as to whether the respondent corporation has asked permission from this Court to dismiss Hementera or whether there was due process observed in accordance with the rules and regulations of the Civil Service law prior to his dismissal, this Court has no jurisdiction and is tied up to make any pronouncement in accordance with the prayer of the petition.

Moreover the above quoted 'order' involved the personnel of the Manila Office who are union members while Hementera was a warehouseman at Cabanatuan Branch who had never been a member of Naric Workers' Union.

* * * * *

Certainly, the petitioner is not left without any legal remedy for he can file this complaint in the civil court with competent jurisdiction and ask for redress on account of his situation".

In a motion for reconsideration filed against the above order and denied, petitioner averred that the same is contrary to: (1) Sees. 4 & 19 of Comm. Act No. 103, as amended; (2) the Order of the CIR of November 10, 1952; (3) the jurisprudence on the matter; and (4) that the respondent Court erred in concluding that Hementera

was not among those involved in the dispute (Case No. 746-V), and consequently, there would be no basis for its taking cognizance of the petition for reinstatement.

In the present petition for review, it is alleged that the CIR acted without or in excess of jurisdiction and/or with grave abuse of discretion in promulgating the Orders complained of; that there is no other plain, speedy and adequate remedy in the ordinary course of law, except the instant proceedings; and that the dismissal of Hementera, besides being enjoined by the Order of November 10, 1952, was summary and without proper investigation, as called for in the Civil Service Rules and Regulations, the employees of the NARIC being allegedly under the civil service. Respondents interposed three (3) defenses, to wit:

- That the petition states no cause of action and/or that the cause of action is barred by the statute of limitations;
- That the Court of Industrial Relations has no jurisdiction over the case; and
- That the petitioner has no capacity to sue.

In the supposition that his dismissal was contrary to the order of November 10, 1952, and/or that the requirements of the Civil Service Law were not complied with, it is believed that Hementera had already lost his right to reinstatement. Hementera was dismissed on December 27, 1953, and the petition for his reinstatement was presented only on November 16, 1956. If as alleged, he was a civil service eligible, then his action for reinstatement, in order to prosper, should have been filed within one year from his dismissal. (*Mesias vs. Jover*, 97 Phil., 899 *Unabia vs. City of Cebu, et al.*, 99 Phil., 253). If he did not come under the civil service law, then laches had obviously set in, for having slept on, or abandoned his rights (*Gutierrez vs. Bachrach Motor Co. Co.*, 105 Phil., 9, similar to the case at bar). Almost 3 years had elapsed from the time of his dismissal in 1953 until 1956 when the petitioner filed an action for his reinstatement. Petitioner alleges that his failure to seasonably file the action was due to illness. We cannot, however, believe that he had been sick for the whole duration of 3 years, with such seriousness as to have prevented him to consult a lawyer regarding his case. The period fixed is a condition precedent to the existence of a cause of action, with the result that, if no complaint is filed within the said period, the case cannot prosper (*Rodas vs. Abeto*, 82 Phil., 59; 46 Off. Gaz., No. 3, 930). There is, therefore, no cause of action in favor of Hementera. On this score alone, the petition should be dismissed.

But the NARIC also claims that the respondent Court has no jurisdiction over the subject matter and the person of the petitioner. We share this view. Hementera was dismissed for cause after an investigation, due to the irregular issuance of 1000 empty sacks while he was still a warehouseman of the NARIC Cabanatuan City Branch. Essentially, the petition was for reinstatement, to his former position with back wages, until he is actually reinstated or if he cannot be reverted, that he be paid a gratuity equivalent to one month salary for every year of service. At the time he asked for reinstatement, Hementers had long ceased to be an employee of the petitioner. The case does not involve a controversy about the minimum wage or hours of employment or Unfair Labor Practice. As We have recently held—

"Under the law and jurisprudence the Court of Industrial Relations' jurisdiction extends only to cases involving (a) labor disputes affecting an industry which is indispensable to the national interest and is so certified by the President to the Court (Sec. 10, Rep. Act No. 875); (b) controversy about the minimum wage, under, the Minimum Wage Law, Rep. Act No. 602; (c) hours of employment, under the Eight Hour Labor Law Comm. Act No. 444; and (d) Unfair Labor practice (Sec. 5[a], Rep. Act No. 875). And such disputes, to fall under the jurisdiction of the CIR, must arise while the employer-employee relationship, between the parties exists or the employee seeks reinstatement. When such relationship is over and the employee does not seek reinstatement, all claims become money claims that fall under the jurisdiction of the regular courts (*Sy Huan vs. Judge Bautista, et al.*, 112 Phil., 941; 61 Off. Gaz., [20] 2942, and cases cited therein).

In the case at bar, admittedly there is no labor dispute, no unfair labor practice is denounced by any of the parties; the cause of the dismissal of the petitioner was the displeasure caused upon the respondent manager, by the act of the petitioner for having brought a quarrel between her and another employee, to the attention of the police authorities; and when the claim was filed there was no longer any employer-employee relationship between the parties. While it may be true that the complaint alleged that she was not notified by defendants, at least one month in advance, that her services were to be terminated in 'gross violation of Republic Act No. 1052, as amended, and as such she is entitled to reinstatement, including back salaries until she is returned to her work' and that in her prayer she asked for the granting of such relief, it is equally true that it is not within the authority of the Court of Industrial Relations, to reinstate her and pay her back wages, in the event that she had a right to a separation pay, there being no allegation nor proof that defendant had committed unfair labor practice.. In the recent case of National Labor Union vs. Insular-Yebana Tobacco Corporation, 112 Phil., 821; 58 Off. Gaz., (40) 6447, it was ruled that in the absence of unfair labor practice, the CIR has no power to grant remedy under its general powers of mediation and conciliation, such as reinstatement or back wages. Moreover, a violation of the law on separation pay (Rep. Act No. 1052, as amended by Rep. Act No. 1787), involves, at most, a breach of an obligation of the employer to his employee or vice versa, to be prosecuted like an ordinary contract or obligation—a breach of private right which may be redressed by a recourse to the ordinary courts. Hence, the case at bar is cognizable by an ordinary court, the Court of First Instance of Davao, in this particular case, it appearing that the amount involved herein, is within the jurisdiction of said court, as per findings of the Court of Appeals". (G.R. No. L-16031, C. Cagalawan vs. Customs Canteen, et al., Oct. 31, 1961).

And if, as pretended, Hementera seeks to be reinstated on the ground that he was dismissed without just cause and against the provisions of the Civil Service Law, the more reason we should have in disqualifying the respondent court from taking cognizance of the case which is a mere money claim, jurisdiction over which is being vested upon the ordinary courts, no unfair labor practice being claimed.

As heretofore adverted to, Hementera was not affiliated with any union, much less with the petitioner, and was no longer an employee of the respondent NARIC when someone woke him up from his lethargy and presented a petition for his reinstatement. Under these circumstances, the petitioner would certainly go beyond the limits of its legitimate purposes, if it is given the unrestrained liberty to prosecute any case even for employees who are not members of any union at all. Verily, the present enterprising petitioner has no legal interest in the subject matter of the present case. A suit brought by another in representation of a real party in interest is defective (Hilario vs. La Congregacion de San Vicente de Paul, et al., 27 Phil. 593).

With the above conclusions, it seems unnecessary to pass upon the other points raised by the petitioner.

Wherefore, the petition for review on certiorari is dismissed, for lack of merits, with costs against the petitioner.

Padilla, Bautista, Angelo, Labrador, Reyes, J.B.L., Dizon, and De Leon, JJ., concur.

Barrera, J., concurs in the result.

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.