

LUIS RECATO DY, ET AL., PETITIONERS, VS. COURT OF INDUSTRIAL RELATIONS, ET AL., RESPONDENTS.

G. R. No. L-17788. May 25, 1962

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

Nemecio Sedano was employed as driver by Oas Victory Rice Mill which was operated by Ramon Recato Dy, alias Luis Recato Dy and Jose Recato Dy on January 1, 1946 with a salary of P75.00 a month. He served as such up to January 15, 1960 when he was dismissed from the service for the reason that he was about to testify against his employers in a controversy then pending before the Court of Industrial Relations. Whereupon, he filed with said court a petition praying for reinstatement with back wages and for payment of salary differential and overtime for services rendered on Sundays and legal holidays.

The employers answered the petition denying the main averments therein and setting up a counterclaim for moral damages and attorney's fees.

On June 7, 1960, when the case was called for hearing, the employers moved to dismiss the petition alleging lack of jurisdiction on the part of the industrial court, which was in due time objected to by petitioner. And, on June 24, 1960, the industrial court issued an order granting the motion to dismiss.

On June 29, 1960, petitioner filed a motion for reconsideration, and acting thereon, the industrial court issued an order reconsidering its former ruling. This time, in a split decision, the court declared that it has jurisdiction to act on the case. The affirmative opinion was penned by Judge Jose S. Bautista, concurred in by Judges Baltazar M. Villanueva and Amando C. Bugayong. Judge Emiliano B. Tabigne dissented, concurred in by Judge Arsenio I. Martinez. The dissenting opinion is based upon the ground that it was not proven (1) that the number of employees who appear as petitioners complies with the requirement of the law, and (2) that the case involves a labor dispute that is likely to cause a strike or lockout between the parties.

The employers interposed the present petition for review.

It is alleged in the petition that the employee has been separated from the service for no valid cause for which reason he seeks his reinstatement and prays that he be paid his back wages, including salary differential and overtime pay for services rendered on Sundays and legal holidays. Although this claim is traversed by" his employers, the same furnishes sufficient basis to confer jurisdiction on the Court of Industrial Relations, for it appears that the claim has relation with the provisions of the Eight-Hour Labor Law and the Minimum Wage Law.[1]

It is true that petitioner has not complied with the requirement of Section 4 of Commonwealth Act No. 103 that the petition must be filed by employees whose number is more than 30 and that the labor dispute alleged therein is likely to cause a strike or lockout arising from differences as regards wages or conditions of employment, but such requirement no longer holds true after the enactment of Republic Act 875. The reason is obvious. Since the

enactment of said Act, the broad powers of mediation and conciliation conferred by Commonwealth Act 103 have already been curtailed and limited to those cases we have outlined in the *Paflu vs. Tan* case.[2] In other words, as long as the dispute has reference to any of the cases mentioned therein, and petitioner seeks his reinstatement, the industrial court may act regardless of whether the number of petitioners is 31 or less or whether the dispute is likely to cause a strike or lockout. To hold otherwise would be to further curtail the jurisdiction of the Court of Industrial Relations to an extent which may defeat the purpose of the Magna Carta to the prejudice of labor. Thus, in *Philippine Wood Products, et al. vs. Court of Industrial Relations, et al.*, 112 Phil., 640, wherein a similar issue was raised, we said: "That the employees be 31 in number for the court to acquire jurisdiction of their case is not required of those claiming payment for overtime services and minimum wage and seeking reinstatement." (Italics supplied)

In passing, we may say that the ruling in *Mindanao Bus Employees Union (PLUM) vs. Mindanao Bus Company*, G. R. No. L-9795, December 28, 1957, on which the dissenting opinion is predicated, has already been abandoned in *PRISCO vs. CIR, et al.*, 108 Phil., 134.

Wherefore, the resolution of respondent court dated October 12, 1960, is hereby affirmed, with costs against petitioners.

Labrador, Concepcion, Reyes, J.B.L., Barrera, Paredes, and Dizon, JJ., concur.

Padilla, J., concurs in the result.

[1] *Sy Huan vs. Judge Bautista, et al.*, 112 Phil., 914; *PRISCO vs. CIR.*, 108 Phil., 134.

[2] 99 Phil., 854; 52 Off. Gaz., 5836.

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