

INTERNATIONAL TRAVEL SERVICE, PETITIONER, VS. THE HONORABLE MINISTER OF LABOR AND TERESITA MANALO, RESPONDENTS.

G.R. No. L-49526. August 13, 1990

Ponente: MEDIALDEA, J.

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MEDIALDEA, J.:

This original action for certiorari seeks to set aside the order of respondent Minister of Labor dated April 18, 1977 which affirmed the resolution of the National Labor Relations Commission in NLRC Case No. RB-IV-3710-76 entitled "Teresita Manalo v. International Travel Service" on the ground that the same was issued with grave abuse of discretion.

Acting upon a complaint filed by private respondent, the Regional Director of Region IV of the Ministry (now Department) of Labor, on May 17, 1971, recommended to the City Fiscal of Manila the filing of charges against petitioner for: (1) violation of Section 3(a) in relation to 15(a) of RA 602 as amended by RA 6129, otherwise known as the Minimum Wage Law; (2) violation of Section 56 of RA 3428 as amended, for failure to register his travel agency with the Bureau of Workmen's Compensation; and (3) for violation of Section 11 (b) of RA 679 as amended, for his failure to furnish a list of his women employees to the Department of Labor. Accordingly, the corresponding criminal informations were filed (pp. 39-41, Rollo).

With the advent of PD 442 (New Labor Code of the Philippines) which took effect on November 1, 1974, petitioner moved for the dismissal of the cases. The trial court thereupon ordered the dismissal of the cases on September 16, 1975 on the ground that the acts complained of were no longer penalized by the New Labor Code which has repealed the Minimum Wage Law RA 602, as amended, (pp. 42--50, Rollo). Thereafter, private respondent, on November 11, 1975, filed with the Regional Office No. IV of the Department of Labor, a complaint against petitioner for non--payment of wages and overtime pay. After the usual exchange of pleadings and, after the parties filed their respective memoranda (pp. 52-57, Rollo) the labor arbiter assigned to the case rendered a decision, the dispositive portion of which reads:

"WHEREFORE, within five (5) days after this Decision becomes final and executory, the respondent International Travel Service is hereby directed to pay complainant Teresita Manalo the sum of Five Hundred Seventy-Six Pesos (P576.00) by way of restitution of underpaid wages from the period September 27, 1971 to February 14, 1972.

"SO ORDERED." (p. 63, Rollo)

Petitioner appealed to the NLRC (p. 64, Rollo) but nevertheless the decision was affirmed (p. 70, Rollo). In a last ditch effort for a reversal, petitioner further appealed to respondent Minister of Labor who, thru his Deputy Minister ordered the dismissal of the appeal on September 25, 1978 for lack of merit (p. 77, Rollo). Hence the petition alleging that respondent gravely abused his discretion in dismissing the appeal.

The main contention of petitioner is that private respondent's claim for underpayment has prescribed under Art. 281 (now second paragraph of Article 290) of PD 442 as amended by RA 6715 which provides among others that:

"All money claims accruing prior to the effectivity of this Code shall be filed with the appropriate entities established under this Code within one year from the date of such effectivity and shall be proceeded or determined in accordance with the implementing rules and regulations of the Code; otherwise they shall be forever barred." (Underscoring Ours) (p. 34, Rollo)

It argues that, since PD 442 took effect on November 1, 1974 and that private respondent filed the complaint only on November 11, 1975, her claim has prescribed. It also claims that the labor arbiter unjustifiably concluded that the one (1) year period under said article was arrested by reason of the pendency of the civil action for restitution of the underpaid wages which was impliedly instituted with the filing of the criminal information. According to it, such conclusion is erroneous because under Article 281 (now Article 290) of PD 442 as amended what is required is that, money claims must be filed and adjudicated before the appropriate entity, which is the Regional Office of the NLRC, within the one year period fixed therein, independently from the criminal action.

Petitioner's defense of prescription as a bar to private respondent's claim for underpayment is untenable. Article 281 (now second paragraph of Article 290) refers to money claims not yet filed in the appropriate entities when the New Labor Code took effect. It does not cover the case of private respondent who appropriately filed her complaint with the old Region IV of the then Department of Labor but who, in turn, merely recommended to the City Fiscal of Manila the criminal prosecution of petitioner in the Court of First Instance of Manila, Branch XVII without mention of her money claims. She should not be prejudiced by the ineptness of one labor official. She cannot be faulted for relying on the information filed on September 4, 1973 for recovery of those claims. In fact, she pursued the same until it was unfortunately dismissed on September 16, 1975 on the legal technicality that the act complained of is no longer penalized by the New Labor Code which has repealed the Minimum Wage Law, RA 602, as amended. Moreover, she was given a flicker of hope when the trial court pointed out that "the remedy if any, of the complainant is that provided in Article 128 of the Code under which any regional office of the Department of Labor may certify to the NLRC any matter involving the recovery of wages and benefits owing to an employee." With renewed fervor, she immediately filed her complaint anew with the Regional Office of the Ministry of Labor on November 11, 1975. Clearly then, the second paragraph of Article 290, New Labor Code should not affect her money claims which were filed as early as 1971 and through no fault of her own, were referred to the regular courts only to be unceremoniously dismissed.

In all probability, she received the order of dismissal dated September 16, 1975 after the lapse of the one-year period from November 1, 1974 within which to file money claims accruing prior to the effectivity of the New Labor Code. But the records are bereft of this important information. At any rate, even if she received the order of dismissal prior to the lapse of the prescriptive period, she was only re-filing her claim, the amount of which is only P576.00 representing unpaid wages from the period of September 27, 1971 to February 14, 1972. Considering all the circumstances in this case, Article 290 of the New Labor Code should be made inapplicable to the case at bar. As held in *Manila Electric Company v. NLRC*, G.R. No. 78763, July 12, 1989:

"In carrying out and interpreting the Labor Code's provisions and its implementing regulations, the workingman's welfare should be the primordial and paramount consideration. This kind of interpretation gives meaning and substance to the liberal and compassionate spirit of the law as provided for in Article 4 of the New Labor Code which states that 'all doubts in the implementation and interpretation of the provisions of the Labor Code including its implementing rules and regulations shall be resolved in favor of labor.'"

ACCORDINGLY, the petition is DISMISSED. Costs against petitioner.

SO ORDERED.

Narvasa, (Chairman), Cruz, Gancayco, and Grino-Aquino, JJ., concur.

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