

AJAX INTERNATIONAL CORPORATION, PETITIONER, VS. ORENCIO A. SEGURITAN, ET AL., RESPONDENTS.

G.R. No. L-16038. October 25, 1960

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

This is a petition for certiorari seeking to set aside the order of respondent Court of Industrial Relations dated August 1, 1959 and its subsequent resolution dated September 10, 1959 denying the motion to dismiss filed by petitioner Ajax International Corporation.

It appears that on April 17, 1959, a complaint was filed before the industrial court by Orencio A. Seguritan alleging, among others, that on May 11, 1949 he was hired as janitor-messenger by the Ajax International Corporation; that his regular hours of duty were from 7:00 a.m. to 12:00 noon and from 1:00 p.m. to 5:00 p.m.; that during the period covering January 2, 1950 to March 31, 1956, aside from his duties as janitor-messenger, he was ordered to guard the main office of the corporation from 5:00 p.m. to 8:00 a.m. every day after office hours and the whole day and night every Sunday and legal holiday; that from October 12, 1956, he was assigned to the newly established branch office of the corporation at Pasay City where he worked as janitor, messenger and clerk, and after his regular duty ending at 5:00 p.m., he was again made to guard the said branch office daily from 5:00 p.m. to 8:00 a.m. and the whole day and night during Sundays and legal holidays up to August 31, 1957; that in spite of his repeated demands, the corporation refused to pay such overtime services which represent the aggregate amount of P15,454.50; and that he ceased working with said corporation on May 9, 1958 when the Ajax Adcom Labor Union, of which he is a member, struck and the strike is still pending settlement before the industrial court.

On May 11, 1959, on the assumption that Seguritan's claim is meritorious, the corporation filed a motion to dismiss contending that the industrial court has no jurisdiction over the case and the claim is already barred by prescription. The court issued an order of August 1, 1959 declaring that it has jurisdiction and denied the motion. The corporation interposed the present petition for certiorari.

The only issue posed by petitioner is whether or not the industrial court has jurisdiction to act on the claim for overtime services rendered by respondent.

In *Price Stabilization Corporation vs. Court of Industrial Relations, et al.*, 108 Phil., 134, this Court, after analyzing the different decisions rendered by it involving overtime claims, made the following clarification:

"Analyzing these cases, the underlying principle, it will be noted in all of them, though not stated in express terms, is that where the employer-employee relationship is still existing or is sought to be reestablished because of its wrongful severance (as where the employee seeks reinstatement) the Court of Industrial Relations has jurisdiction over all claims arising; out of, or in connection with employment, such as those related to the Minimum Wage Law and the Eight-Hour Labor Law. After the termination of the relationship and no reinstatement is sought, such claims become mere money claims, and come within the jurisdiction of

the regular courts.

"We are aware that in 2 cases (Mindanao Bus Employees Labor Union [PLUM] vs. Mindanao Bus Co., et al., G. R. No. L-9795, prom. December 28, 1957; Gomez vs. North Camarines Lumber Co., Inc., 104 Phil., 294; 56 Off. Gaz., 2630), some statements implying a different view have been made, but we now hold and declare the principle set forth in the next preceding paragraph as the one governing all cases of this nature." (See also Board of Liquidators, et al., vs. Court of Industrial Relations, et al. 108 Phil., 162.)

It would, therefore, appear that in order that the Court of Industrial Relations may have jurisdiction to act on a claim for overtime pay it is necessary that between petitioner and respondent there still be an employer-employee relationship, or that the former, if separated from the service, should ask for his reinstatement. In the instant case, while respondent apparently confined his claim to overtime pay, it does not mean that he is not interested in his reinstatement it appearing that he ceased working due merely to the strike staged by the union of which he is a member and the strike is still pending settlement before the industrial court (page 4, Complaint). Unless, therefore, that strike is definitely decided, it cannot be said that the employer-employee relationship had terminated, for the outcome may still be that the strike is legal and the strikers entitled to reinstatement. This issue is directly interwoven with the claim of respondent and as such comes under the jurisdiction of the industrial court.

Wherefore the order appealed from is affirmed with costs against the petitioner.

Paras, C. J., Bengzon, Padilla, Labrador, Reyes, J.B.L., Barrera, Gutierrez David, and Paredes, JJ., concur.

Order affirmed.

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