

MANILA ELECTRIC COMPANY, PETITIONER, VS. PASCUAL ORTAÑEZ, FRANCISCO P. GENEROSO, COURT OF INDUSTRIAL RELATIONS, ET AL., RESPONDENTS. D E C I S I O N*G.R. No. L-19557. March 31, 1964*

Ponente: LABRADOR, J.

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This is an action of certiorari and prohibition against the Court of Industrial Relations to prohibit it from taking cognizance of a case (CIR Case No. 1432-V, Pascual Ortanez, et al. vs. Manila Electric Company) filed on January 16, 1961 by Pascual Ortanez and others, against the Manila Electric Company to compel the company to pay them overtime wages and night premium pay earned since 1956, and for other relief. The petition contains the following allegations: that the petitioners are employees of the respondent Manila Electric Company; that the petitioners rendered overtime and night work, the allegation thereon being as follows:

"3. That since 1956 up to the present petitioners rendered overtime work and night work, during which period of employment, said petitioners were NOT paid of their overtime pay, as well as their night premium pay of 25% additional compensation to their present wages and/or salaries, notwithstanding, that such benefits were granted by respondent Company and were made available to all employees except the petitioners pursuant to a collective bargaining agreement entered into by and between the Company and the representative Union therein;

"4. That respondent refused and is still refusing to pay petitioners' earned overtime wages and night premium pay, despite repeated demands, thereby, violating and has in fact violated Commonwealth Act 444;"

Upon the filing of the petition, the respondent Manila Electric Company moved to dismiss the same on the ground that the court has no jurisdiction over the subject matter, because the number of employees involved in the case does not exceed 30, as provided for in section 4 of Commonwealth Act 103. The majority of the members of the court below held that the Court of Industrial Relations has authority to enforce and apply the Labor Laws, among which is the eight-hour labor law. To support its ruling it cited the case of Monares vs. CNS Enterprises, G. R. No. L-11749, May 29, 1959. Judge Tabigne dissented on the ground : (1) that the number of employees involved is 20 and not more than 30 as required by Commonwealth Act 103; (2) that the demand is a money claim and the court cannot pass on the merits of the same.

A study of the petition filed in the court below shows that it is for mandamus to compel the respondent Manila Electric Company to pay supposed overtime and night work pay, and is not for a money claim or demand, as no specific amount is demanded. It also appears from the petition that a collective bargaining agreement exists between the company and the representative union in the said company, but that notwithstanding the existence of the said agreement, all the employees except the petitioners, have been paid their overtime wages and the 25% additional compensation for night work. The petition does not describe the provisions of the supposed collective bargaining agreement. If it is true that all the employees of the company, except the petitioners Ortanez et al., were given overtime and night pay, it would seem that the case involves a violation of the Eight-Hour Labor Law

and this violation would make the case cognizable by the Court of Industrial Relations.

It is also possible that the right to overtime pay and night pay is a matter that could be determined by the interpretation of the collective bargaining agreement, in case there was a provision on such matter therein. In this last case, the question would be the interpretation of the collective bargaining agreement and the provisions thereof. In such case there would be a question as to the interpretation of the agreement and its application, which question may either be cognizable by the Court of First Instance, if it is plainly a question of the enforcement of a contract, or by the Court of Industrial Relations, if the agreement was made under its supervision, or the application thereof involved discrimination amounting to an unfair labor practice.

From all the above circumstances, whether or not the Court of Industrial Relations has jurisdiction would depend Upon the facts of the case as proved at the trial and not, merely upon the allegations in the complaint. Following the ruling of procedure that in case of doubt a case may not be dismissed for failure to state a cause of action, We hold that the Court of Industrial Relations cannot be prohibited from hearing the case until such a time as it may appear clear from the facts appearing in the course of the trial that the case falls beyond the jurisdiction of the court.

WHEREFORE, without deciding conclusively that the Court of Industrial Relations has no jurisdiction over the case, and until such time as facts appear more clearly at the hearing of the case that would justify a prohibition, the petition for certiorari and prohibition should be, as it is hereby, denied. Without costs.

SO ORDERED.

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

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