

SANTIAGO MERCADO, PLAINTIFF AND APPELLANT, VS. ELIZALDE & COMPANY, INC., DEFENDANT AND APPELLEE.*G.R. No. L-18962. December 23, 1964*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c6dd8dd04110/>**BAUTISTA ANGELO, J:**

Santiago Mercado was employed as a watchman of certain premises of Eizalde & Company, Inc. situated in Cebu City sometime in April, 1947 with a compensation of P80.00 a month. Upon the approval of Republic Act No. 602, known as the Minimum Wage law, Mercado wrote defendant's branch manager in Cebu City requesting that his salary be adjusted in line with the new law and that lie be paid the overtime pay for the services he had rendered beyond the eight hours required by Commonwealth Act No. 444 (Eight-Hour Labor Law). As his letter was not given any attention by the company, Mercado complained with the Wage Administration Service inviting its addition to his underpayment under the two laws abovementioned, and when the company was notified thereof its branch manager at Cebu City asked Mercado to withdraw the complaint as otherwise he would be separated from the service. Mercado informed the manager that he would only do so if his salary were adjusted as already pointed out, and considering such refusal as a challenge Mercado was notified that his services were terminated as of September 30, 1956. Consequently, Mercado commenced the present action before the Court of First Instance of Cebu seeking his reinstatement with back wages in the light of the Minimum Wage Law as well as the payment of the overtime pay he is entitled to under the Eight-Hour Law.

Meanwhile, the Wage Administration Service gave due course to the complaint of Mercado with notice to the company with the result that a decision was rendered in his favor in the amount of P9,508.50 as salary differential and as overtime pay for services rendered beyond the required legal limit. When this decision became final Mercado filed an action before the Court of First Instance of Cebu for its enforcement, but the same was dismissed for lack of jurisdiction. And when the case was taken to the Supreme Court on u petition for certiorari, it was dismissed on the same ground without prejudice to whatever appropriate action may be taken in the premises.

Considering that the case filed by Mercado is one for reinstatement with back wages which calls for the application of the Minimum Wage Law, aside from his claim that he has not been paid the overtime pay to which lie is entitled under the Eight-Hour Labor Law, the court a quo declared itself without jurisdiction and dismissed the case. Mercado took the present appeal.

We are of the opinion that the court a quo acted properly in dismissing this case on the ground of lack of jurisdiction it appearing that the same calls for the application both of the Minimum Wage Law and the Eight-Hour Labor Law, apart from the fact that plaintiff seeks reinstatement to his former position. Thus, in a recent case, we made it clear that "in order that the Court of Industrial Relations may acquire jurisdiction over a controversy in the light of Republic Act 875, the following circumstances must be present: (a) there must exist between the parties and employer-employee relationship, or the claimant must seek his reinstatement: and (b) the controversy must relate to a case certified by the President to the CIR as one involving national interest, or must have a bearing on an unfair labor practice charge, or must arise either under the Eight-Hour Labor Law, or under

the Minimum Wage Law. In default of any of these circumstances the claim becomes a mere money claim that comes under the jurisdiction of the regular courts" (Campos, et al. vs. Manila Railroad Company, et al., L-17905, May 25, 1962). Verily, the present case comes under the jurisdiction of the Court of Industrial Relations.

WHEREFORE, the decision appealed from is affirmed, without pronouncement as to costs.

Bengzon, C. J., Concepcion, Reyes, J. B., L., Barrera, Paredes, Dizon, Regala, Makalintal, Bengzon, J. P., and Zaldivar, JJ., concur.

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