

**RHEEM OF THE PHILIPPINES, INC., AND GORDON W. MACKAY,
PETITIONERS, VS. ZOILO B. FERRER, MARIO TATLONG-HARI,
SANTOS MARILAG AND COURT OF INDUSTRIAL RELATIONS,
RESPONDENTS.**

G.R. No. L-22979. January 27, 1967

Ponente: SANCHEZ, J.

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SANCHEZ, J.:

Challenged by petitioner on certiorari and prohibition is the juris-diction of the Court of Industrial Relations [hereinafter referred to as CIR] to hear and determine a case [1] seeking -

1. Reinstatement with back wages, which accumulated since their illegal separation, on the ground of unjustified dismissal;
2. Moral and exemplary damages because of such dismissal;
3. Payment of increase in salary and separation pay;
4. Night differential pay; and
5. Premium pay for work done on Sundays and legal holidays.

The present proceeding is an offshoot of the CIR's denial of petitioners' motion to dismiss - grounded on want of jurisdiction over the subject-matter - the principal respondents' complaint and said court's refusal to reconsider the order of denial.

1. We start with the demand for additional pay for work performed on Sundays and legal holidays. Right to such pay Etta by explicit articulation in Section 4 of the Eight-Hour Labor Law, guaranteed a work-man. Consequently, failure to give additional compensation for such work is a violation of the said law. Here, the principal respondents were dismissed from their employment. But they seek reinstatement. Hence, the case, on this score, is within the coverage of the prevailing rule enunciated in Campos, et al., vs. Manila Railroad Co., et al. , L-17905, May 25, 1962, thus -

"We may, therefore, restate, for the benefit of the bench and the bar, that in order that the Court of Industrial Relations may acquire jurisdiction over a controversy in the light of Republic Act No. 875, the following circumstances must be present: (a) there must exist between the parties an 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."

And, the CIR has jurisdiction. [2]

2. On the claim for night differentials, no extended discussion is necessary. To be read as controlling here is Philippine Engineers' Syndicate, Inc. vs. Hon. Jose S. Bautista, et al., L-16440, February 29, 1964, where this Court, speaking thru Mr. Chief Justice Cesar Bengzon, declared -

"Only one issue is raised: whether or not upon the enactment of Republic Act 875 the CIR lost its jurisdiction over claims for additional compensation for regular night work. Petitioner says that this Act reduced the jurisdiction of respondent court and limited it to specific cases which this Court has defined as: 'x x x (1) when the labor dispute affects an industry which is indispensable to the national interest and is so certified by the President to the industrial court (Sec. 10, Republic Act 875); (2) when the controversy refers to minimum wage under the Minimum Wage Law (Republic Act 602); (3) when it involves hours of employment under the Eight-Hour Labor Law (Commonwealth Act 444); and (4) when it involves an unfair labor practice [Sec. 5 (a) Republic Act 875].' [Paflu, et al. vs. Tan, et al., 99 Phil., 854; 52 Off. Gaz. No. 13, 5836].

Petitioner insists that respondents' case falls in none of these categories because as held in two previous cases, night work is not overtime but regular work; and that respondent court's authority to try the case cannot be implied from its 'general jurisdiction and broad powers under Commonwealth Act 103 because Republic Act 875 precisely curbed such powers limiting them to certain specific litigations, beyond which it is not permitted to act.

We believe petitioner to be in error. Its position collides with our ruling in the Naric case [National Rice & Corn Corp. (NARIC) vs. NARIC Workers' Union, et al., 105 Phil., 891] where we held:

"While it is true that this Court made the above comment in the aforementioned case, it does not intend to convey the idea that work done at night cannot also be an overtime work. The comment only served to emphasize that the demand which the Shell Company made upon its laborers is not merely an overtime work but night work and so there was need to differentiate night work from daytime work. In fact, the company contended that there was no law that required the payment of additional compensation for night work unlike an overtime work which is covered by Commonwealth Act No. 444, (Eight Hour Labor Law). And this Court in that case said that while there was no law actually requiring payment of additional compensation for night work, the industrial court has the power to determine the wages that night workers should receive under Commonwealth Act No. 103, and so it justified the additional compensation in the Shell case for "hygienic, medical, moral, cultural and sociological reasons."

Apropos the issue of jurisdiction, this Court in the same Shell case spoke in this fashion:

'La cuestion que, a nuestro juicio, se debe determinar es si entre las facultades generales de la Corte de Relaciones Industriales que estan admitidas sin disputa, esta la de considerar la jornada de noche como una jornada completa de trabajo; la de estimarla como mas gravosa que la jornada de dia; y consiguientemente, la de proveer y ordenar que se remunere con un 50% mas de los salarios regulares diurnos. Nuestra contestacion es afirmativa: todo esto se halla comprendido entre los poderes generales de la Corte de Relaciones Industriales. Si este tribunal tiene, en casos de disputa, el poder fijar los salarios que estime justos y razonables para el trabajo de dia., no hay razon por que no ha de tener el mismo poder con respecto a los salarios de noche; es tan trabajo lo uno como lo otro. x x x.' [Shell Co. contra National Labor Union, *ibid*, at 325-326].

True, in PAFLU ET AL. vs. Tan et al., *supra*, and in a series of cases thereafter, we held that the broad powers conferred by Commonwealth Act 103 on the CIR may have been curtailed by Republic Act 875 which limited them to the four categories therein expressed in line with the public policy of allowing settlement of industrial disputes via the collective bargaining process; but we find no cogent reason for concluding that a suit of this nature - for extra compensation for night work falls outside the domain of the industrial court. Withal, the record does not show that the employer-employee relation between the 65 respondents and the petitioner had ceased.

After the passage of Republic Act 875, this Court has not only upheld the industrial court's assumption of jurisdiction over cases for salary differentials and overtime pay [Chua Workers Union (NLU) vs. City

Automotive Co. et al., G.R. No. L-11655, April 29, 1959; Prisco vs. CIR, et al., 108 Phil., 134] or for payment of additional compensation for work rendered on Sundays and holidays and for night work [Nassco vs. Almin, et al., 104 Phil., 835; Detective & Protective Bureau, Inc. vs. Felipe Guevara, et al., G. R. No. L-8738, May 31, 1957] but has also supported such court's ruling that work performed at night should be paid more than work done at daytime, and that if that work is done beyond the worker's regular hours of duty, he should also be paid additional compensation for overtime work. [Naric vs. Naric Workers' Union, et al., G. R. No. L-12075, May 29, 1959, citing Shell Co. vs. National Labor Union, 81 Phil. 315] Besides, to hold that this case for extra compensation now falls beyond the powers of the industrial court to decide, would amount to a further curtailment of the jurisdiction of said court to an extent which may defeat the purpose of the Magna Carta to the prejudice of labor. [Luis Recato Dy, et al. vs. CIR, G.R. No. L-17788, May 25, 1962]

Again, we hold that the CIR is with authority to act on this grievance.

3. The other demands, namely, reinstatement, and back wages and the damages incident thereto, and payment of salary increases and separation pay, are matters which arose out of the same employment. Since employer-employee relationship is sought to be reestablished, the Industrial Court "has jurisdiction over all claims arising out of, or in connection with, employment". [3]

Earlier, we held herein that the claim for Sunday and legal holiday pay and that for night differentials are within the compass of the CIR's jurisdiction. It is because of this that we say that no reason exists why we should pull said demands - for reinstatement, and back wages and damages incident thereto, and payment of salary increases and separation pay - out of the CIR's jurisdiction and place them in the hands of ordinary courts. Just recently, we had occasion to remark that: [4] "No draw a tenuous jurisdictional line is to undermine stability in labor litigations. A piecemeal resort to one court and another gives rise to multiplicity of suits. To force the employees to shuttle from one court to another to secure full redress is a situation gravely prejudicial. The time to be lost, effort wasted, anxiety augmented, additional expense incurred - these are considerations which weigh heavily against split jurisdiction. Indeed, it is more in keeping with orderly administration of justice that all the causes of action here 'be cognizable and heard by only one court: the Court of Industrial Relations.'" [5]

Upon the view we take of this case, the petition herein for certiorari and prohibition is hereby dismissed. Costs against petitioner.

SO ORDERED.

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

[1] CIR Case No. 1900-V, entitled "Zoilo R. Ferrer, Mario Tatlong-hari and Santos Marilag, plaintiffs, versus Rheem of the Philippines Inc and Gordon W. Mackay, defendants."

[2] See: National Shipyards and Steel Corporation vs. Almin et al., 104 Phil., 835; Bay View Hotel, Inc. vs. Manila Hotel Workers' Union-PTGWO, et al., L-21803, December 17, 1966. See also: Manila Electric Co. vs. Ortanez, et al., L-19557, March 31, 1964.

[3] PRISCO vs. CIR, et al., 108 Phil., 134; emphasis supplied.

[4] Bay View Hotel, Inc. vs. Manila hotel Workers' Union-PTGWO et al., supra.

[5] Citing Gomez vs. North Camarines Lumber Co., Inc. 104 Phil., 294.

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