

KIM KEE, CHUA YU & CO., INC., PETITIONER, VS. COURT OF INDUSTRIAL RELATIONS AND RIZALINO MANZANO, RESPONDENTS.*G.R. No. L-16803. June 29, 1964*

Ponente: BENGZON, C.J.

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This is a special civil action questioning the authority of the Court of Industrial Relations to take cognizance of the complaint of Rizalino Manzano against the herein petitioner.

It appears that said Manzano filed, on March 13, 1959, a complaint to recover overtime compensation from Kim Kee. Chua Yu & Co. Inc.. alleging that, he had been employed by said corporation as labor inspector from 1948 to January 31, 1959; that he had been paid compensation at P200 a month; that he had render said services for a total of 2,712 hours; and that he had not been paid therefor.

It also appears that, filing its answer to set up some defenses, the defendant corporation now petitioner raised the special defense of lack of jurisdiction; and when the case came up for hearing, it reiterated the plea, citing this court's ruling in G. R. No. L-11625 (April 29 1959) entitled Chua Workers' Union (NLU) vs. City Automotive Co., et al.

Resolving that issue, the trial judge of the court denied the plea, and refused to dismiss the case. On appeal to the Court en bane, the majority upheld said judge's action.

Hence the present petition for certiorari, which has to be sustained, because we have held in several decisions in line with Chua Workers' Union supra, that when a former employee demands compensation for overtime work already rendered, without requesting reinstatement, the claim is merely monetary, which should be ventilated in the regular courts[1]—not the Industrial Court.

Evidently, the respondent court did not feel itself bound by the Chua decision, because at that time, there was a pending motion for its reconsideration. And the Monares case[2] which it chose to follow—holding that the Court of Industrial Relations had jurisdiction over a similar demand is distinguishable from this, because the ex-employee there requested for reinstatement; whereas Rizalino Manzano here did not ask reinstatement from the Industrial Court.

The petition is granted. The respondent court having no jurisdiction, the appealed order must be reversed, and Manzano's complaint hereby dismissed. Without prejudice to its filing in the proper court. So ordered.

Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Paredes, Regala and Makalintal, JJ. concur.

[1] See National Shipyards & Steel Corp. vs. CIR, et., al. G.R. No. L-13888, April 29, 1960: Sta. Ceceilia Sawmills Co. Inc., vs. CIR, et.al, G.R. Nos. L-14254; L-14255, May 27, 1960; "New Angat-Manila Transportation", et. al., vs. CIR, et. al., G.R. No. L-16283, Dec. 27, 1960; Pan American World Airways System

(Phil.) vs. Pan American Employees Asso., G.R. No. L-16275, Feb. 23, 1961; and Gracella vs. El Colegio del Hospicio de San Jose, Inc. G.R. No. L-15152, Jan. 31, 1963.

[2] Monares vs. CNS Enterprises, et. al., G.R. No. L-11749, May 29, 1959.

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