

SAN MIGUEL BREWERY, INC., PETITIONER, VS. ELPIDIO FLORESCA AND THE COURT OF INDUSTRIAL RELATIONS, RESPONDENTS.

G.R. No. L-15427. April 26, 1962

Ponente: PAREDES, J.

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PAREDES, J.:

On December 29, 1958, Elpidio Floresca presented with the Court of Industrial Relations, a complaint against the San Miguel Brewery, Inc. (Case No. 1157 CIR), alleging that on May 8, 1953, or thereabouts, he was employed, without any definite or fixed period, as poultry caretaker and subsequently as hatchery-operator, at the San Miguel Brewery "B-MEG" Plant, located at Balintawak, Quezon City, with a monthly compensation of P150.00, plus other privileges; that on June 2, 1958, he was, without any legal or justifiable cause, indefinitely suspended and on June 7, 1958, dismissed without having been paid his separation pay in lieu of the statutory notice; that because of his dismissal, which he claims to be contrary to law, he is entitled to the payment of back salaries from the date of his dismissal until he is reinstated, plus 2 1/2 months salary in lieu of the statutory notice. Floresca prays that the CIR order his reinstatement and the payment of said back salaries and separation pay.

Under date of January 24, 1959, defendant San Miguel Brewery moved to dismiss the complaint, contending that the claim of plaintiff does not fall under the jurisdiction of the CIR, both under the law (Rep. Act No. 875) and existing jurisprudence (Administrator of Hacienda Luisita Estate vs. Alberto, et al., G. R. No. L-12133, Oct. 31, 1958). The CIR on March 24, 1959, handed down an order denying the motion to dismiss, citing in support thereof the doctrine laid down in the case of Gomez vs. North Camarines Lumber Co. Inc., 104 Phil., 294; 56 Off. Gaz., (12) 2630. On March 30, 1959, San Miguel Brewery, filed a motion for reconsideration which was denied on April 28, 1959. The case is now before Us on a Petition For Certiorari and Prohibition, petitioner San Miguel Brewery alleging that respondent CIR, in taking cognizance of Floresca's complaint and denying the motion to dismiss (Order of March 24, 1959, Annex C), and the motion for reconsideration (Order of April 28, 1959, Annex G) and proceeding with said case (1157-V [CIR]), acted without jurisdiction and with grave abuse of discretion, for which there is no appeal nor any plain, speedy or adequate remedy in the ordinary course of law. In the prayer, it asks that that the said Orders of respondent CIR dated March 24, 1959 and April 28, 1959, be set aside, and that said Court ordered to desist from taking cognizance of the case (Case No. 1157-V, CIR).

It seems that the singular issue for determination is whether the claim of an employee for back salaries, with a prayer for reinstatement and separation pay due to unjustified dismissal, falls within the jurisdiction of the CIR.

In the recent case of Concordia Cagalawan vs. Customs Canteen, et al., 113 Phil., 386, the facts of which are similar to the present, We held -

"Under the law and jurisprudence the Court of Industrial Relations' jurisdiction extends only to cases involving (a) labor disputes affecting an industry which is indispensable to the national interest and is so certified by the President to the Court (Sec. 10, Rep. Act No. 875); (b) controversy about the minimum wage, under the Minimum Wage Law, Rep. Act No. 602; (c) hours of employment, under the Eight-Hour Labor Law, Comm. Act No. 444, and (d) unfair labor practice (Sec. 5 [a], Rep. Act No. 875). And such disputes, to fall under the

jurisdiction of the CIR, must arise while the employer—employee relationship between the parties exists or the employee seeks reinstatement. When such relationship is over and the employee does not seek reinstatement, all claims become money claims that fall under the jurisdiction of the regular courts (*Sy Huan vs. Judge Bautista, et al.*, 112 Phil., 914., 61 Off. Gaz., (20) 2942, and cases cited therein).

In the case at bar, admittedly there is no labor dispute; no unfair labor practice is denounced by any of the parties; the cause of the dismissal of the petitioner was the displeasure caused upon the respondent manager, by the act of the petitioner for having brought a quarrel between her and another employee, to the attention of police authorities; and when the claim was filed, there was no longer any employer-employee relationship between the parties. While it may be true that the complaint, alleged that she was not notified by defendants, at least one month in advance, that her services were to be terminated 'in gross violation of Republic Act No. 1052, as amended, and as such she is entitled to reinstatement, including back salaries until she is returned to her work' and that in her prayer she asked for the granting of such relief, it is equally true that it is not within the authority of the Court of Industrial Relations, to reinstate her and pay her back wages, in the event that she had a right to a separation pay, there being no allegation nor proof that defendant had committed unfair labor practice. In the recent case of *National Labor Union vs. Insular-Yebana Tobacco Corporation*, 58 Off. Gaz. (40) 6447, it was ruled that in the absence of unfair labor practice, the CIR has no power to grant remedy under its general powers of mediation and conciliation, such as reinstatement or back wages. Moreover, a violation of the law on separation pay (Rep. Act No. 1052, as amended by Rep. Act No. 1787), involves, at most, a breach of an obligation of the employer to his employee or vice versa, to be prosecuted like an ordinary contract or obligation—a breach of a private right which may be redressed by a recourse to the ordinary courts. Hence, the case at bar is cognizable by an ordinary court, the Court of First Instance of Davao, in this particular case, it appearing that the amount involved herein, is within the jurisdiction of said court, as per findings of the Court of Appeals".

Obviously, the claim of Floresca does not fall under any of the instances cited above. His claim is for back salaries, and separation pay, which he contends he is entitled to because he was unjustifiably dismissed, and prayed for reinstatement. The prayer of Floresca for reinstatement, standing alone, does not bring his case within the jurisdiction of the CIR because, as has been stated above, his claim is neither about minimum wage, hours of employment, labor dispute certified by the President to the Industrial Court and no allegation is made of Unfair Labor Practice. Furthermore, even with the prayer for reinstatement and the payment of back salaries, the CIR has no power to grant such relief—for in the absence of unfair labor practice, the CIR, has no power to grant remedy. Under its general powers of mediation and conciliation, such as reinstatement or back wages (*Cagalawan vs. Customs Canteen*, *supra*). Manifestly, the CIR has no jurisdiction over the case of respondent Floresca.

In view of the foregoing, the writs prayed for are granted. The Orders of respondent Court dated March 24, 1959, denying the Motion to Dismiss, and April 28, 1959, denying the Motion for reconsideration, are hereby set aside and declared null and void, for having been issued without jurisdiction. Respondent CIR is ordered to desist from further proceeding with case No. 1157-CIR. No pronouncement as to costs.

Bengzon, C. J., Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., and Dizon, JJ., concur.

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