

FELIX GARCIA, PETITIONER AND APPELLANT, VS. FRANCISCO GARCIA, RESPONDENT AND APPELLEE.*G. R. No. 11972. October 30, 1959*

Ponente: PADILLA, J.

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In a complaint dated 3 February 1955 filed with the Wage Administration Service of the Department of Labor, Felix Garcia sought to recover from his father Francisco Garcia unpaid wages for services rendered as mechanic from 1 June 1947 to May 1952 at the rate of P5.00 a day, with free board and lodging, and for overtime service rendered in excess of eight hours daily including Sundays and legal holidays from 6:00 o'clock in the morning to 10:00 o'clock in the evening (Case No. C-2866). After investigation, on 14 January 1956 the investigator rendered his "Finding and Recommendations" "that complainant was employed by the respondent and that he was not paid for his salary and overtime pay during the whole period of his employment," and "that respondent be required to deposit with this Office within five (5) days from receipt hereof, the amount of fourteen thousand TWENTY THREE PESOS AND 20/100 (P14,023.20) With which to satisfy the claims of the complainant." On 21 August 1956 the claimant filed a petition in the Court of First Instance of Manila praying for the issuance of a writ to execute the "Finding and Recommendations" of the investigator of the Regional Office No. 1 of the Wage Administration Service, Department of Labor, that had ordered the respondent to pay him the sum of P14,023.20 with interest thereon at the legal rate from 3 February 1955 to the date of full payment, and reasonable attorney's fee.

On 7 September 1956 the Court entered an order commanding the Sheriff of the City of Manila to levy upon execution on the goods and chattels of the respondent to satisfy the "decision" or "judgment" of the Wage Administration Service in favor of the petitioner against the respondent in the sum of P14,023.20, interest thereon at the rate of 6% per annum from 3 February 1955 to the date of full payment and the Sheriff's fees.

On 14 September 1956 the respondent filed a motion for reconsideration of the last mentioned order, and on 17 September 1956 "additional arguments" in support of his motion for reconsideration.

On 18 September 1956 the petitioner filed a "manifestation" stating that the respondent's motion for reconsideration "does not adduce any plausible arguments which will warrant the filing of an opposition," and praying that it be denied.

On 19 September 1956 the Court granted the respondent's motion for reconsideration and set aside the order of execution dated 7 September 1956. The petitioner moved for reconsideration of the order in open court.

On 22 September 1956 the respondent filed a "supplementary memorandum" "in answer to whatever arguments counsel for the plaintiff may submit in the hearing this morning with respect to the order of execution already recalled and set aside" by the Court.

On 11 October 1956 the petitioner filed a motion for reconsideration of the order of the Court dated 19 September

1956 setting aside the order of execution dated 7 September 1956. On 23 October 1956 the, respondent filed a "memorandum" opposing the petitioner's motion for reconsideration.

On 3 December 1956 the petitioner filed a reply to the respondent's opposition, and on 5 December a supplemental reply.

On 5 December 1956 the Court denied the petitioner's motion for reconsideration.

The petitioner has appealed.

May a "decision" or "judgment" of the Wage Administration Service ordering the appellee to pay the appellant the sum of P14,023.20 for unpaid wages and overtime pay, be ordered executed by the Court of First Instance without the prevailing party commencing an action in court against the losing party for the recovery thereof, is the issue in this case. In *Potente vs. Saulog Transit, Inc.*, (105 Phil., 525), this Court resolved a similar issue in the negative and said:

Neither the lower court, nor the appellee has cited any legal provision sanctioning the procedure followed in this case by the lower court. What is more, the law creating the WAS indicates clearly that an "action" must be brought, "in any competent court", for the recovery of unpaid wages which the employer fails or refuses to satisfy. * * *.

"An action," pursuant to Rule 2, Section 1, of the Rules of Court, "means an ordinary suit in a Court of Justice, by which one party prosecutes another for the enforcement or protection of a right, or the prevention or redress of a wrong." (Italics ours.) It is apparent that the authority to bring "an action," for the recovery of wages due to an employee or laborer, would not have been explicitly vested in the WAS, if it had the power to render a "cession" sentencing the employer to pay the amount found to be due said employee or laborer, and judicial intervention were necessary only to execute such "decision", inasmuch as a petition, before a court of justice, for the execution of said "decision" would not be "an action," as adverted to above.

The rules and regulations promulgated by the WAS, on January 20, 1953, to implement the Minimum Wage Law—pertinent provisions of which are reproduced at the footnote—lead to the same conclusions. Pursuant to said rules, when a claim for unpaid wages, due, either to non-payment, or to underpayment thereof, is filed, the WAS shall call the parties to a conference, at which the claims investigator or claims attorney of the WAS shall resort to mediation, by endeavoring "to reconcile the parties and induce them to settle the claim by amicable agreement." However, "if no amicable agreement is arrived at between the parties", said investigator or attorney "shall immediately ask the parties whether they are willing to arbitrate or submit the case to arbitration by the Service", and, "in the event that mediation fails and the parties are not willing to arbitrate the claim "shall immediately be assigned to a claims attorney", who will conduct an investigation, "to find out whether said claim is meritorious or not. If meritorious the attorney shall prepare the corresponding complaint * * * for court action * * *." In other words, the WAS may cause the employer to satisfy the unpaid wages through mediation, arbitration, or court action, and by no other means. It has no authority to render a "decision"—in the sense in which this term is used in legal parlance—on the claim for wages, except insofar as it has to determine whether, in its opinion, the claim is meritorious, as a condition precedent to the institution, before "any competent court", of an ordinary "action" for the recovery of the sum of money it considers due to the claimant. But, then, no writ of execution shall issue, except when the judgment rendered by said court after due notice and hearing, as demanded by the tenets of due process and provided in the Rules of Court—shall have become final and executory.[1]

The appellant and the appellee did not enter into a written agreement to submit their dispute to the Wage Administration Service for arbitration, pursuant to section 9, article 7(C), Chapter III, of the Code of Rules and Procedure promulgated on 20 January 1953 by the Secretary of Labor to implement the provisions of the Minimum Wage Law. Hence whatever "decision" or "judgment" the Wage Administration Service may have

rendered in the case is not binding upon the parties,[2] and a writ of execution issued by the Court of First Instance to enforce it is unauthorized and illegal.

The order appealed from is affirmed, without pronouncement as to costs.

Paras, C. J., Bengzon, Montemayor, Bautista Angela, Labrador, Concepcion, Reyes, J. B. L., Endencia, Barrera, and Gutierrez David, JJ., concur.

[1] See also Santos vs. Perez Vela, de Caparas, 105 Phil., 992; and Figueroa vs. Saulog, 105 Phil., 1012.

[2] Cebrero vs. Talaman, 103 Phil., 687; Winch vs. Kienner, 104 Phil., 735.

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