

**SAN JUAN DE DIOS HOSPITAL EMPLOYEES ASSOCIATION-AFW/MA.
CONSUELO MAQUILING, LEONARDO MARTINEZ, DOMINGO ELA, JR.,
RODOLFO CALUCIN, JR., PERLA MENDOZA, REX RAPHAEL REYES,
ROGELIO ...**

G.R. No. 126383. November 28, 1997

Ponente: FRANCISCO, J.

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FRANCISCO, J.:

Petitioners, the rank-and-file employee-union officers and members of San Juan De Dios Hospital Employees Association, sent on July 08, 1991, a “four (4)-page letter with attached support signatures x x x requesting and pleading for the expeditious implementation and payment by respondent” Juan De Dios Hospital “of the ‘40 HOURS/5-DAY WORKWEEK’ with compensable weekly two (2) days off provided for by Republic Act 5901 as clarified for enforcement by the Secretary of Labor’s Policy Instructions No. 54 dated April 12, 1988.”[1] Respondent hospital failed to give a favorable response; thus, petitioners filed a complaint regarding their “claims for statutory benefits under the above-cited law and policy issuance”[2], docketed as NLRC NCR Case No. 00-08-04815-91. On February 26, 1992, the Labor Arbiter[3] dismissed the complaint. Petitioners appealed before public respondent National Labor Relations Commission[4] (NLRC), docketed as NLRC NCR CA 003028-92, which affirmed the Labor Arbiter’s decision. Petitioners’ subsequent motion for reconsideration was denied; hence, this petition under Rule 65 of the Rules of Court ascribing grave abuse of discretion on the part of NLRC in concluding that Policy Instructions No. 54 “proceeds from a wrong interpretation of RA 5901”[5] and Article 83 of the Labor Code.

As the Court sees it, the core issue is whether Policy Instructions No. 54 issued by then Labor Secretary (now Senator) Franklin M. Drilon is valid or not.

The policy instruction in question provides in full as follows:

“Policy Instruction No. 54

“To: All Concerned

“Subject: Working Hours and Compensation of Hospital/Clinic Personnel

“This issuance clarifies the enforcement policy of this Department on the working hours and compensation of personnel employed by hospital/clinics with a bed capacity of 100 or more and those located in cities and municipalities with a population of one million or more.

“Republic Act 5901 took effect on 21 June 1969 prescribes a 40-hour/5 day work week for hospital/clinic personnel. At the same time, the Act prohibits the diminution of the compensation of these workers who would suffer a reduction in their weekly wage by reason of the shortened workweek prescribed by the Act. In effect, RA 5901 requires that the covered hospital workers who used to work seven (7) days a week should be paid for such number of days for working only 5 days or 40 hours a week.

“The evident intention of RA 5901 is to reduce the number of hospital personnel, considering the nature of their work, and at the same time guarantee the payment to them of a full weekly wage for seven (7) days. This is quite clear in the Exemplary Note of RA 5901 which states:

‘As compared with the other employees and laborers, these hospital and health clinic personnel are over-worked despite the fact that their duties are more delicate in nature. If we offer them better working conditions, it is believed that the “brain drain”, that our country suffers nowadays as far as these personnel are concerned will be considerably lessened. The fact that these hospitals and health clinics personnel perform duties which are directly concerned with the health and lives of our people does not mean that they should work for a longer period than most employees and laborers. They are also entitled to as much rest as other workers. Making them work longer than is necessary may endanger, rather than protect the health of their patients. Besides, they are not receiving better pay than the other workers. Therefore, it is just and fair that they may be made to enjoy the privileges of equal working hours with other workers except those excepted by law. (Sixth Congress of the Republic of the Philippines, Third Session, House of Representatives, H. No. 16630)’

“The Labor Code in its Article 83 adopts and incorporates the basic provisions of RA 5901 and retains its spirit and intent which is to shorten the workweek of covered hospital personnel and at the same time assure them of a full weekly wage.

“Consistent with such spirit and intent, it is the position of the Department that personnel in subject hospital and clinics are entitled to a full weekly wage for seven (7) days if they have completed the 40-hours/5-day workweek in any given workweek.

“All enforcement and adjudicatory agencies of this Department shall be guided by this issuance in the disposition of cases involving the personnel of covered hospitals and clinics.

“Done in the City of Manila, this 12th day of April, 1988.

“(Sgd.) FRANKLIN M. DRILON

Secretary”

(Emphasis Added)

We note that Policy Instruction No. 54 relies and purports to implement Republic Act No. 5901, otherwise known as “An Act Prescribing Forty Hours A Week Of Labor For Government and Private Hospitals Or Clinic Personnel”, enacted on June 21, 1969. Reliance on Republic Act No. 5901, however, is misplaced for the said statute, as correctly ruled by respondent NLRC, has long been repealed with the passage of the Labor Code on May 1, 1974, Article 302 of which explicitly provides: “All labor laws not adopted as part of this Code either directly or by reference are hereby repealed. All provisions of existing laws, orders, decrees, rules and regulations inconsistent herewith are likewise repealed.” Accordingly, only Article 83 of the Labor Code which appears to have substantially incorporated or reproduced the basic provisions of Republic Act No. 5901 may support Policy Instructions No. 54 on which the latter’s validity may be gauged. Article 83 of the Labor Code states:

“Art. 83. Normal Hours of Work. -- The normal hours of work of any employee shall not exceed eight (8) hours a day.

“Health personnel in cities and municipalities with a population of at least one million (1,000,000) or in hospitals and clinics with a bed capacity of at least one hundred (100) shall hold regular office hours for eight (8) hours a day, for five (5) days a week, exclusive of time for meals, except where the exigencies of the service require that such personnel work for six (6) days or forty-eight (48) hours, in which case they shall be entitled to an additional compensation of at least thirty per cent (30%) of their regular wage for work on the

sixth day. For purposes of this Article, “health personnel” shall include: resident physicians, nurses, nutritionists, dietitians, pharmacists, social workers, laboratory technicians, paramedical technicians, psychologists, midwives, attendants and all other hospital or clinic personnel.” (Underscoring supplied)

A cursory reading of Article 83 of the Labor Code betrays petitioners’ position that “hospital employees” are entitled to “a full weekly salary with paid two (2) days’ off if they have completed the 40-hour/5-day workweek”.^[6] What Article 83 merely provides are: (1) the regular office hour of eight hours a day, five days per week for health personnel, and (2) where the exigencies of service require that health personnel work for six days or forty-eight hours then such health personnel shall be entitled to an additional compensation of at least thirty percent of their regular wage for work on the sixth day. There is nothing in the law that supports then Secretary of Labor’s assertion that “personnel in subject hospitals and clinics are entitled to a full weekly wage for seven (7) days if they have completed the 40-hour/5-day workweek in any given workweek”. Needless to say, the Secretary of Labor exceeded his authority by including a two days off with pay in contravention of the clear mandate of the statute. Such act the Court shall not countenance. Administrative interpretation of the law, we reiterate, is at best merely advisory,^[7] and the Court will not hesitate to strike down an administrative interpretation that deviates from the provision of the statute.

Indeed, even if we were to subscribe with petitioners’ erroneous assertion that Republic Act No. 5901 has neither been amended nor repealed by the Labor Code, we nevertheless find Policy Instructions No. 54 invalid. A perusal of Republic Act No. 5901^[8] reveals nothing therein that gives two days off with pay for health personnel who complete a 40-hour work or 5-day workweek. In fact, the Explanatory Note of House Bill No. 16630 (later passed into law as Republic Act No. 5901) explicitly states that the bill’s sole purpose is to shorten the working hours of health personnel and not to dole out a two days off with pay.

Hence:

“The accompanying bill seeks to grant resident physicians, staff nurses, nutritionists, midwives, attendants and other hospital and health clinic personnel of public and private hospitals and clinics, the privilege of enjoying the eight hours a week exclusive of time for lunch granted by law to all government employees and workers except those employed in schools and in courts. At present those hospitals and health clinic personnel including those employed in private hospitals and clinics, work six days a week, 8 hours a day or 48 hours a week.

“As compared with the other employees and laborers, these hospital and health clinic personnel are over-worked despite the fact that their duties are more delicate in nature. If we offer them better working conditions, it is believed that the ‘brain drain’, that our country suffers nowadays as far as these personnel are concerned will be considerably lessened. The fact that these hospitals and health clinic personnel perform duties which are directly concerned with the health and lives of our people does not mean that they should work for a longer period than most employees and laborers. They are also entitled to as much rest as other workers. Making them work longer than is necessary may endanger, rather than protect, the health of their patients. Besides, they are not receiving better pay than the other workers. Therefore, it is just and fair that they be made to enjoy the privileges of equal working hours with other workers except those excepted by law.

“In the light of the foregoing, approval of this bill is strongly recommended.

“(SGD.) SERGIO H. LOYOLA

“Congressman, 3rd District Manila”

(Annex “F” of petition, underscoring supplied)

Further, petitioners’ position is also negated by the very rules and regulations promulgated by the Bureau of Labor

Standards which implement Republic Act No. 5901. Pertinent portions of the implementing rules provide:

“RULES AND REGULATIONS IMPLEMENTING REPUBLIC ACT NO. 5901

“By virtue of Section 79 of the Revised Administrative Code, as modified by section 18 of Implementation Report for Reorganization Plan No. 20-A on Labor, vesting in the Bureau of Labor Standards the authority to promulgate rules and regulations to implement wage and hour laws, the following rules and regulations are hereby issued for the implementation of Republic Act No. 5901.

“CHAPTER I – Coverage

“Section 1. General Statement on Coverage. Republic Act No. 5901, hereinafter referred to as the Act, shall apply to:

‘(a) All hospitals and clinics, including those with a bed capacity of less than one hundred, which are situated in cities or municipalities with a population of one million or more; and to

‘(b) All hospitals and clinics with a bed capacity of at least one hundred, irrespective of the size of population of the city or municipality where they may be situated.’

“Section 7. Regular Working Day. The regular working days of covered employees shall be not more than five days in a workweek. The workweek may begin at any hour and on any day, including Saturday or Sunday, designated by the employer.

“Employers are not precluded from changing the time at which the workday or workweek begins, provided that the change is not intended to evade the requirements of these regulations on the payment of additional compensation.”

“Section 15. Additional Pay Under the Act and C.A. No. 444. (a) Employees of covered hospitals and clinics who are entitled to the benefits provided under the Eight-Hour Labor Law, as amended, shall be paid an additional compensation equivalent to their regular rate plus at least twenty-five percent thereof for work performed on Sunday and Holidays, not exceeding eight hours, such employees shall be entitled to an additional compensation of at least 25% of their regular rate.

(b) For work performed in excess of forty hours a week, excluding those rendered in excess of eight hours a day during the week, employees covered by the Eight-Hour Labor Law shall be entitled to an additional straight-time pay which must be equivalent at least to their regular rate.”

If petitioners are entitled to two days off with pay, then there appears to be no sense at all why Section 15 of the implementing rules grants additional compensation equivalent to the regular rate plus at least twenty-five percent thereof for work performed on Sunday to health personnel, or an “additional straight-time pay which must be equivalent at least to the regular rate” “[f]or work performed in excess of forty hours a week xxx. Policy Instructions No. 54 to our mind unduly extended the statute. The Secretary of Labor moreover erred in invoking the “spirit and intent” of Republic Act No. 5901 and Article 83 of the Labor Code for it is an elementary rule of statutory construction that when the language of the law is clear and unequivocal, the law must be taken to mean exactly what it says.[9] No additions or revisions may be permitted. Policy Instructions No. 54 being inconsistent with and repugnant to the provision of Article 83 of the Labor Code, as well as to Republic Act No. 5901, should be, as it is hereby, declared void.

WHEREFORE, the decision appealed from is AFFIRMED. No costs.
SO ORDERED.

Narvasa, C.J., (Chairman), Romero, Melo, and Panganiban, JJ., concur.

[1] Petition, p. 4; Rollo, p. 9.

[2] Id.

[3] Labor Arbiter Edilberto Pangan.

[4] Second Division: Calaycay, V.R. Comm., Ponente; Aquino, R.T., Pres. Comm.; and Rayala, R.I., Comm., Concurring.

[5] NLRC Decision, p. 18; Rollo, p. 70.

[6] Petition, p. 14; Rollo, p. 19.

[7] Philippine Apparel Workers Union v. NLRC, 106 SCRA 444, 464.

[8] Pertinent provisions of Republic Act No. 5901 provides as follows:

“AN ACT PRESCRIBING FORTY HOURS A WEEK OF LABOR FOR GOVERNMENT AND PRIVATE HOSPITALS OR CLINIC PERSONNEL

“Be enacted by the Senate and House of Representatives of the Philippines in Congress assembled”

“Section 1. Government and private resident physicians, nurses, nutritionists, dietetians, (sic) pharmacists, social workers, laboratory technicians, psychologists, midwives, attendants and all other hospitals or clinic personnel shall hold regular office hours for eight hours a day, for five days a week, or a total of forty hours a week, exclusive of time for lunch: Provided, That any of such employees or laborers who shall suffer a reduction of his weekly or daily wage or compensation because of a reduction of the number of days or hours of labor in a week, as provided, herein, subject to the minimum daily or hourly wage or compensation already fixed by existing law, shall be given an automatic increase in his daily or hourly or per piece wage shall be equal to the diminution which his daily or hourly or per piece wage shall suffer on account of the reduction of days of labor to five days a week. And provided further, That the salaries of employees received on monthly basis shall not suffer any diminution on account of the reduction of the number of days of labor a week.

“Sec. 2. This Act shall apply only to cities and municipalities with a population of one million or more and to hospitals and clinics with a bed capacity of at least one hundred.” (Emphasis added).

[9] Insular Bank of Asia and America Employees’ Union v. Inciong, 132 SCRA 663, 673.

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