

MELECIO CAJILIG, ET AL., PLAINTIFFS AND APPELLEES, VS. FLORA ROBERSON CO., DEFENDANT AND APPELLANT,*G.R. No. 12800. August 05, 1960*

Ponente: REYES, J.B.L., J.

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On April 25, 1955, thirty-three (33) crew members of the M.S. "Alex", a vessel of Philippine registry belonging to the estate of the deceased Jovito Co, brought suit in the Court of First Instance of Iloilo (C.C. No. 3474) against Flora Roberson Co., administratrix of said estate, for the recovery of certain amounts allegedly deducted by defendant from their salaries for the value of lodging furnished them on board the aforesaid vessel. Although the aggregate total of the sums claimed by all the plaintiffs amounted to P15,142.40, exclusive of interests, attorney's fees, and costs, the individual claim of each of them did not exceed P534.00.

During the pendency of the case, five plaintiffs withdrew from the action and the complaint was dismissed as to them. The rest of the plaintiffs entered into an agreed statement of facts with defendant as to the exact amounts of their claims, after which the trial court rendered judgment finding that defendant had no right to make deductions from plaintiffs' salaries for lodging furnished them aboard the M.S. "Alex", such lodging not being "furnishing or housing" under paragraph (f), section 3 of the Minimum Wage Law, and ordering defendant to reimburse plaintiffs the deductions made, with interests and attorney's fees.

Not agreeable to the decision, defendant filed a notice of appeal to the Court of Appeals. Before her record on appeal could be heard for approval, however, she moved to dismiss the case on the ground that the individual claim of each plaintiff not being more than P600, the trial court did not have jurisdiction over the case which properly falls within the exclusive jurisdiction of the inferior court. The court below, however, denied the motion to dismiss "in view of the fact that this case has already been decided"; and, after approving defendant's record on appeal, ordered the transmittal thereof to this Court.

We agree with appellant that the action should have been dismissed for want of jurisdiction on the part of the trial court over the same.

It is already settled in this jurisdiction that where several plaintiffs, having separate and distinct claims against a common defendant arising out of the same transaction or series of transactions and involving the same question of law or fact, jointly sue said defendant as allowed by section 6, Rule 3 of the Rules of Court, it is the amount of each separate claim, and not the sum total of all the claims, that furnishes the test for determining the jurisdiction of the court over the case (*A. Soriano y Cia. vs. Jose*, 86 Phil., 523; 47 Off. Gaz. 12th Supp. 156; *International Colleges, Inc. vs. Argonza*, 90 Phil., 470; *Abrasaldo vs. Compañia Maritima*, G. R. No. L-11918, July 31, 1958; *R. C. Pangilinan & Co., Inc. vs. J. Pasicolan*, 107 Phil., 645; 57 Off. Gaz. [52] 9379). This rule is now made part of section 88 of the Judiciary Act of 1948 by amendment of Republic Act No. 2613, to wit:

"* * * Where there are several claims or causes of action between the same parties embodied in the same complaint, the amount of the demand shall be the totality of the demand in all the causes of action, irrespective

of whether the causes of action arose out of the same or different transactions; but where the claims or causes of action joined in a single complaint are separately owned or due to different parties, each separate claim shall furnish the jurisdictional test. * * *"

Considering that in the instant case, each of the thirty-three plaintiffs had an independent cause of action from the rest for the recovery of the amounts allegedly deducted illegally from his wages by the defendant, the jurisdiction of the court is determined not by the totality of all their claims but by the amount of each individual claim, which in no case exceeds P600. It is clear, therefore, that the lower court did not acquire jurisdiction over the complaint.

The only reason given by the trial court in refusing to dismiss the action is that the motion to dismiss came after it had already decided the case. This is plain error, for it is axiomatic that jurisdiction is conferred only by law, and can not be conferred either by consent of the parties or by their failure to object to the lack of it. Thus, an objection based on lack of jurisdiction may be urged at any stage of the proceedings, even for the first time on appeal (*People vs. Que Po Lay*, 94 Phil., 640; 50 Off. Gaz. [10] 4850; *Viuda y Hijos de Pedro P. Roxas vs. Rafferty*, 37 Phil. 957; *U. S. vs. Jayme*, 24 Phil., 99). As the lower court did not have jurisdiction over this case, all proceedings taken therein, including the judgment rendered by the court, are null and void, and no amount of delay on the part of defendant could legalize said proceedings and judgment.

Appellees claim, however, that this case is not one for recovery of sums of money merely, but that it involves as well a violation of the Minimum Wage Law; and that since under section 16 of said law, the courts of first instance have the jurisdiction to restrain violations thereof, this case was properly brought before the lower court because only that court could declare illegal and restrain the deductions made by defendant from plaintiffs' salaries. The argument is untenable, because the provisions of section 16 of the Minimum Wage Law cited by appellees refers exclusively to actions to "restrain" (i.e., enjoin) violations of said law, which is one of the methods provided by the Act for the enforcement of its provisions (*Morabe*, Minimum Wage Law, p. 300 and ff.). Upon the other hand, the same section 16, as well as section 15 (e) of the Act, provides that actions to recover underpayment of wages or to recover wages owing to an employee under said Act may be brought "in any competent court", which means either the inferior court or the court of first instance, whichever court has the jurisdiction under the general law over the amounts claimed. (*Morabe*, supra, pp. 336-337). The instant case for recovery of amounts allegedly illegally deducted by defendant from plaintiffs' salaries is one such action for recovery of underpayment or of wages owing an employee under the provisions of the Minimum Wage Law. It should be noted that no claim is made that the plaintiffs are actually receiving less than the corresponding minimum wage. The appeal raises other questions of law, like the alleged right of appellant under the Minimum Wage Law to make the deduction sought to be recovered by plaintiffs-appellees. We can not, however, decide these questions at this time, because the trial court not having any original jurisdiction to try and decide this case, we likewise acquire no appellate jurisdiction over it except to dismiss it for such lack of jurisdiction.

Wherefore, the complaint is dismissed for lack of jurisdiction of the lower court over the subject-matter thereof. Costs against plaintiff-appellees.

Paras, C. J., Bengzon, Padilla, Bautista Angelo, Labrador, Concepcion, and Gutierrez David, JJ., concur.
Barrera, J., reserves his vote.

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