

PHILIPPINE SUGAR INSTITUTE, PETITIONER, VS. COURT OF INDUSTRIAL RELATIONS, VIRGINIA SALUNGA, PAULINA SALUNGA, QUERUBIN SALUNGA AND ROGELIO SALUNGA, RESPONDENTS.*G. R. No. 13098. October 29, 1959*

Ponente: PADILLA, J.

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This is a petition for a writ of certiorari and preliminary and final injunction.

On 8 February 1957 Virginia, Paulina, Querubin and Rogelio, all surnamed Salunga, the last, a minor, represented by the first, an elder sister, his natural guardian, filed a petition dated 25 January 1957 in the Court of Industrial Relations, alleging that they are the legitimate children and heirs of the late Francisco Salunga who died on 22 January 1956; that their late father was employed by the Insular Sugar Refinery, the predecessor of the herein petitioner, and by the latter as field overseer with a daily wage of P6.50 from the year 1934 to the time of his death; that the herein petitioner had a collective bargaining agreement with its employees to the effect that upon separation from the service the latter would be paid a gratuity of "one month salary for each one full year of continuous service but not to exceed one year period" as a reward for their past services; that at the time their late father became ill he had to his credit more than twenty years of continuous service and pursuant to the collective bargaining agreement entered into by and between the herein petitioner and its employees, he was entitled to 12 months or 365 days wages upon separation from the service; that before their father died, he applied for payment of his gratuity but the herein petitioner refused to pay him; that their father was entitled to a gratuity pay of P2,372.50 and to one month separation pay of P195, or a total sum of P2,567.50; and that notwithstanding a previous demand for payment, the herein petitioner refused to pay and satisfy their claim. The claimants, respondents herein, pray that the herein petitioner be ordered to deposit in court the sum of P2,567.50 to be distributed in equal shares among them, and to pay the costs and that they be granted other just and equitable relief (case No. 1049-V, Annex A). On 12 February 1957 the herein petitioner filed a motion to dismiss on the ground that the Court had no jurisdiction of the subject matter of the case (Annex B). On 5 March 1957 the herein respondents filed an answer to the motion to dismiss dated 4 March 1957 (Annex C). On 21 June 1957 the Court entered an order denying the herein petitioner's motion to dismiss (Annex D). On 29 June 1957 the herein petitioner filed a motion for reconsideration (Annex E) and on 9 July 1957 "arguments in support of motion for reconsideration" (Annex F). On 9 September 1957 the Court in bane denied the herein petitioner's motion for reconsideration (Annex G).

Claiming that the Court of Industrial Relations has no jurisdiction of the subject matter of the case and that there is no appeal or any other plain, speedy and adequate remedy in the ordinary course of law, the herein petitioner prays for a writ of preliminary injunction enjoining the respondent court from proceeding with the hearing of the case on the merits and, after hearing, for a writ of certiorari annulling the orders of the respondent court dated 21 June 1957 and 9 September 1957. On 13 November 1957 this Court granted the petitioner's prayer for a writ of preliminary injunction upon the filing of a bond of P1,000. On 23 November 1957, after the filing of the required

bond, the writ was issued.

This Court has held in numerous cases that upon the enactment of Republic Act No. 875, which took effect on 17 June 1953, the jurisdiction of the Court of Industrial Relations was confined to the following: (1) when the labor dispute affects an industry which is indispensable to the national interest and is so certified by the President to the industrial court (section 10, Republic Act No. 875); (2) when the controversy refers to minimum wage under the Minimum Wage Law (Republic Act No. 602); (3) when it involves hours of employment under the Eight-Hour Labor Law (Commonwealth Act No. 444); and 4) when it involves an unfair labor practice [Section 5 (a), Republic Act No/876].^[1] The claimants' respondents herein, seek to recover gratuity and separation pay, to which they claim their late father was entitled under the collective bargaining agreement entered into by and between the herein petitioner and its employees, and one month separation pay under the provisions of Republic Act No. 1052. The subject matter of the claimants' (respondents herein) petition filed in the Court of Industrial Relations is not any of those enumerated. In *Dee Cho Lumber Workers Union (NLU) vs. Dee Cho Lumber Co.* supra, this Court held that the Court of Industrial Relations cannot take cognizance of cases for the enforcement of a collective bargaining agreement. The petition for a writ of certiorari is granted and the writ of preliminary injunction heretofore issued is made final, with costs against the respondents, except the Court.

Bengzon, Montemayor, Bautista Angelo, Labrador, Concepcion, Endencia, Barrera, and Gutierrez David, JJ., concur.

Paras, C. J., concurs in the result.

[1] *PAFLU vs. Tan*, 99 Phil, 854; 52 Off. Gaz., 5836; *Reyes vs. Tan*, 99 Phil., 880, 52 Off. Gaz., 6187, *PAFLU vs. Barot*, 99 Phil., 1008; 52 Off. Gaz., 6544; *Allied Free Workers Union vs. Apostol* 102 Phil., 292; 54 Off. Gaz., 981; *Mindanao Bus Employees Labor Union (PL UM) vs. Mindanao Bus Co.*, 102 Phil., 1179; *Aguilar vs. Salumbides*, G. R. No. L-10124, 28 December 1957; *Dee Cho Lumber Workers Union (NLU) vs. Dee Cho Lumber Co.*, 101 Phil, 417; 55 Off. Gaz., 434; *Roman Catholic Archbishop of Manila vs. Yanson and Elizalde & Co., Inc. vs. Yanson*, G.R. Nos. L-12341 & L-12345, 30 April 1958; and *Chua Workers Union (NLU) vs. City Automotive Co.*, G.R. No. L-11655, 29 April 1959.

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