

NATIONAL SHIPYARD AND STEEL CORPORATION, PETITIONER, VS. COURT OF INDUSTRIAL RELATIONS, ET AL., RESPONDENTS.

G.R. No. 13888. April 29, 1960

Ponente: BENGZON, J.

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BENGZON, J.:

As stated in petitioner's memorandum in lieu of oral argument, the question in this case is whether the Court of Industrial Relations has jurisdiction to take cognizance of monetary claims for overtime work.

The facts are:

On April 15, 1957, Jose Abiday and 38 other persons, all employees of the National Shipyard and Steel Corporation,—NASSCO for short—filed with the said Court, a petition for additional compensation due to overtime services rendered. They alleged they had been required by the Corporation, to work, and worked, on Sundays and legal holidays, at nighttime, and more than eight hours a day, without receiving extra wages.

Resisting the claim, the Corporation challenged the Court's jurisdiction.

After trial, the Court on November 22, 1957, entered an order requiring additional compensation for such overtime work. It also directed the Examiner of the Court to compute from the books and records of the Corporation the amounts truly owing to each of the claimants.

A motion for reconsideration was denied. Then on February 14, 1958, the Court Examiner rendered a partial report. Over the Corporation's opposition, the Court approved such report and accordingly directed execution of its order to pay.

Whereupon, NASSCO announced its intention to appeal for review to this Supreme Court; and on April 2, 1958, it filed a petition (G. R. No. L-13732) submitting the following issues:

"1. Does the Court of industrial Relations have the jurisdiction after the passage and effectivity of the Industrial Peace Act (Republic Act No. 875) on June 17, 1953, over money claim for alleged unpaid overtime compensation? and

2. Is the "Order" of the Court of Industrial Relations which directs the Court Examiner to compute and report to the court the amount of overtime compensation of the claimants a decision which becomes final when no appeal is interposed therefrom within the reglementary period?

Denying the jurisdiction of the Industrial Court, NASSCO cited several decisions of this Tribunal which at first glance, sustained its position. However, in view of other decisions upholding such jurisdiction, the petition for review was on April 11, 1958, dismissed for lack of merit. A motion for reconsideration failed.

Thereafter, on May 16, 1958, after the said dismissal of NASSCO's petition, the Court Examiner presented to the industrial Court another partial report of the additional compensation to which the claimant-employees were: entitled for overtime work. NASSCO filed its opposition, but it was overruled partly because it Was filed beyond

the five-day period provided by the Rules of said Court; partly because the matter of payment and the computation of overtime pay. had been practically approved by the Supreme Court when it dismissed the petition in G. R. No. L-13732; and principally because the opposition to the Report[1] did not rest on any valid foundation.

Consequently, on June 14, 1958, NASSCO submitted this new petition for review by writ of certiorari, against the same parties impleaded in G. R. No. L-13732 and raising the same question of jurisdiction of the Industrial Court. Besides, it alleged that its opposition to the additional Report had been set aside in pursuance of a Rule of the Industrial Court, which—petitioner contends—is either non-existing or illegal.

This petition was given due course because of the allegations concerning the five-day period. Upon careful consideration, however, it appears that the objection to the Report[2] turned out to be without factual basis.

Realizing its slim chance to prevail on questions of fact, petitioner finally limited its contention to the question of jurisdiction. However, that point was the principal issue in G. R. No. L-13732, between the same parties arising from the same particular controversy before the Industrial Court; and we ruled by our resolution of April 14, 1958, that petitioner's position on the matter had no merit. That resolution having become final, is now the law of the case, and the implementation of the order thereby upheld, may not be blocked by this second petition.

At any rate, we think that this controversy between 39 employees and the NASSCO over payment for work in excess of eight hours, including Sundays, legal holidays and nighttime, may properly be regarded to be within the scope of the powers of the Industrial Court, since it is practically, a labor dispute that may lead to conflict between the employees and the management.

If the claimants were not actual employees of the NASSCO—e. g. they have severed their connection with it or were dismissed, but do not insist on reinstatements—their claim for overtime compensation would become simply a monetary demand properly cognizable by the regular courts.

The petition for review is denied. The order appealed from is affirmed.

Paras, C. J., Bautista Angelo, Labrador, Concepcion, Endencia and Gutierrez David, JJ., concur.
Montemayor and Barrera, JJ., took no part.

[1] The computation of wages was inexact, and there were deductions to be made, etc.

[2] See footnote No. 1.

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