

EMILIO DABLEO, PLAINTIFF AND APPELLEE VS. LUZON STEVEDORING CO., INC., DEFENDANT AND APPELLANT.*G.R. No. 15370. May 31, 1961*

Ponente: PADILLA, J.

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This is a pauper's action brought in the Court of First Instance of Manila for collection of the sum of P2,045 for overtime services rendered by the plaintiff during the specified dates in 1950, 1952, 1953 and 1954 while employed by the defendant as deckhand on its floating crane, interest thereon from the date of the filing of the complaint until full payment of the amount claimed and P1,000 for moral damages, and for other just and equitable relief (Civil No. 25445). The defendant's answer is a denial of the plaintiff's claim, asserting that the plaintiff had never been "required to perform overtime service without being paid proper compensation;" and "that any and all overtime services rendered by the plaintiff had been paid by defendant to plaintiff's full satisfaction." The defendant set up a counterclaim of P2,000 for damages and P500 for attorney's fees suffered and incurred in defending itself from a clearly unfounded suit brought merely "to harass, annoy and embarrass the herein defendant."

The parties stipulated on the facts and agreed that the plaintiff had rendered overtime services for the benefit of the defendant on the dates stated in the "tabulation of entries," attached to the stipulation, for a total number of 364 nights, without a definite number of hours of overtime service rendered during each night, which would be the subject of further stipulation or proof to be presented by the parties.

After hearing, during which both parties introduced their respective evidence as to the number of hours of overtime service rendered by the plaintiff, the Court rendered judgment holding "that plaintiff rendered overtime work for about four hours for 'one half night' and eight hours for 'one night;" that "based on the stipulation of facts, the twenty-one nights overtime rendered in 1950 for eight hours a night at the rate of P0.53 per hour would be worth P89.04, while the 343 nights from August, 1952 to January, 1954 at P0.78 per hour are worth P2,140.32 or a total of P2,229.36 for such overtime work;" that "deducting therefrom the P910.00 collected as coffee money allowance which was clearly intended by the defendant as payment for overtime work, there remains a balance of P1,319.36 still due plaintiff" that the release signed by the plaintiff on 7 July 1954, Exhibit 1, where he acknowledged receipt of the sum of P75 as separation pay "is not entirely binding on plaintiff;" and ordering the defendant to pay to the plaintiff the sum of P1,319.36, the balance of the unpaid amount due the plaintiff for overtime services rendered, P200 as attorney's fees, and the costs of the suit.

The defendant has appealed. The Court of Appeals to which the case was forwarded, certified the appeal to this Court for lack of jurisdiction because, although the parties had not raised the question of jurisdiction of the Court of First Instance, the appellate court, having in mind and citing the decisions of this Court in numerous cases, was of the opinion that the case being for collection of "compensation for overtime services rendered by a laborer to an employer," would properly fall within the jurisdictional competence of the Court of Industrial Relations and not of the Court of First Instance.

The appellee already had left the service of the appellant and his complaint filed in the Court of First Instance was merely for collection of a sum of money. He did not and does not seek reinstatement to his former position. It is now the settled rule that "where the employer-employee relationship is still existing or is sought to be reestablished because of its wrongful severance (as where the employee seeks reinstatement), the Court of Industrial Relations has jurisdiction over all claims arising out of, or in connection with, the employment, such as those related to the Minimum Wage Law and the Eight-Hour Labor Law. After the termination of the relationship and no reinstatement is sought, such claims become mere money claims, and come within the jurisdiction of the regular courts." [1] The Court of First Instance, therefore, had jurisdiction of the case.

The appellant has assigned the following errors allegedly committed by the trial court:

- The Court a quo erred in holding that "one night" and "one-half night" represent eight and four hours overtime work, respectively.
- The Court a quo erred in holding that the plaintiff-appellee is not entirely bound by the release (Exhibit "1") signed by him and that the said release is ineffectual.
- The Court a quo erred in holding that the plaintiff-appellee is entitled to back overtime wages in the amount of P1,319.36, plus P200.00 as attorney's fees and costs of suit.

In its discussion of the first assigned error, the appellant states that the "Judgment has no basis in fact and in complete disregard of weightier evidence of defendant-appellant." There is a divergence between the evidence presented by the appellee and by the appellant as to the number of hours of overtime work performed by the appellee in one night and in one-half night. Considering that the main question to be determined in this appeal hinges on the number of hours of overtime service rendered by the appellee each night and each half night, or how many hours do one night and one-half night comprehend, a determination requiring a review of the evidence presented by both parties; that the appellant contends that the finding of the trial court on this point is erroneous; that the other issues raised by the appellant are so unsubstantial to bring its appeal within the appellate jurisdiction of this Court; and that the amount involved in this case, as prayed for in the complaint and awarded by the trial court, is less than P200,000, the appeal taken by the appellant should be remanded to the Court of Appeals for review and determination in accordance with the provisions of section 31, in connection with sections 17 and 29, Republic Act No. 296, as amended.

Let the appeal in this case be remanded to the Court of Appeals for review and judgment pursuant to law.

Bengzon, C.J., Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Paredes, Dizon, De Leon, and Natividad, JJ., concur.

[1] Price Stabilization Corporation vs. Court of Industrial Relations and PRISCO Workers' Union, 108 Phil., 134.

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