

MIGUEL DE LOS SANTOS, PLAINTIFF AND APPELLEE, VS. DR. FRANCISCO QUISUMBING, DEFENDANT AND APPELLANT.

G.R. No. 15376. June 30, 1961

Ponente: PAREDES, J.

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PAREDES, J.:

On September 29, 1954, plaintiff Miguel de los Santos filed with the CFI of Manila, a complaint, which was amended on November 17, 1954, seeking to recover from his former employer Dr. Francisco Quisumbing, defendant, the amount of P11,221.08 plus legal interest, representing the value of his overtime service, as a taximeter mechanic. Plaintiff alleged that during the whole period of his employment for defendant, he worked every day, including Sundays and Holidays, from 7:00 a.m. to 12:00 noon and again from 1:00 p.m. to 8:00 p.m., working a total of 12 hours, or 4 hours daily in excess of that provided by Commonwealth Act No. 444 and that at the rate of an agreed P380.00 monthly salary, the sum of P11,221.08, may be tabulated as follows:

1,153 ordinary days at 4 hours overtime a day equals
4,612 overtime hours, multiplied by P1.95 per hour,
from September 20, 1947 to July 11, 1951, equals P8,993.40
238 Sundays and holidays at 4 hours overtime a day,
equals 952 overtime hours, multiplied by P2.34
per hour during the same period P2,227.68

Defendant, answering the complaint, alleged that he never asked plaintiff to render overtime service, nor consented to such overtime work expressly or impliedly; that plaintiff had been fully paid for his services; that the service of plaintiff being one rendered to a public service, Commonwealth Act No. 444, is not applicable to his claim for overtime work, much less to his charge for "time and one-fourth (1¼)" and that certain claims of plaintiff are barred by prescription. A counterclaim for damages, expenses for litigation and attorneys fees, amounting to P1,000.00 was set up.

On September 1, 1956, the trial court handed down a decision, ordering the defendant to pay to plaintiff the amount of P2,000.00, with legal interest thereon, from the filing of the complaint until fully paid, and the costs. Defendant's counterclaim was dismissed.

On September 29, 1956, defendant filed a motion for reconsideration, alleging that (a) said decision is contrary to law and established jurisprudence; (b) the plaintiff failed to prove by indubitable and competent evidence his claim for overtime compensation; (c) the plaintiff's cause of action has already prescribed; and (d) the trial court has no jurisdiction over the subject matter of the action. The motion was denied on October 11, 1956. Forthwith, defendant appealed to the Court of Appeals.

In defendant's brief, he alleged that the trial court erred (1) in holding that plaintiff rendered compensable overtime to defendant and in condemning him to pay plaintiff the amount of P2,000.00 plus interest and in not dismissing plaintiff's complaint. The bulk of the argument in appellant's brief dwelt on the proposition that plaintiff's evidence failed to show satisfactorily the facts upon which he based his claim for compensation for overtime work; that while plaintiff asserted he had worked overtime for so many days, the defendant said he did not; that while the plaintiff alleged that his witnesses were more credible, the defendant contended that said witnesses could not be believed and that his evidence preponderated. However, because the question of jurisdiction was raised, the Court of Appeals did not pass upon the merits of the case and certified the same to Us, declaring that under the authority of *Administration of Hacienda Luisita Estate vs. Alberto*, G. R. No. L-12133, Oct. 31, 1958; *National Shipyard & Steel Corp. vs. Almin, et al.*, 104 Phil., 835; 56 Off. Gaz., (9) 1899, and other 1958 cases, it had no jurisdiction to entertain the appeal of cases seeking to recover compensation for overtime services. In other words, the case at bar, involving as it does, hours of employment under Comm. Act No. 444, and pursuant to the authorities cited, the trial court acquired no jurisdiction over the case.

The rulings in said cases, however, were explained in subsequent cases. Thus, in the case of *NASSCO vs. CIR*, (107 Phil., 1006; 58 Off. Gaz., [36] 5875), we have stated:

"* * *. 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 reinstatement, their claim for overtime compensation would become simply a monetary demand properly cognizable by the regular courts".

In the case of *Price Stabilization Corp. vs. CIR, etc.* (108 Phil., 134), it was held:

"Analyzing these cases, the underlying principle, it will be noted in all of them, though not stated in express terms, is 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.

We are aware that in 2 cases, some statements, implying a different view have been made, but we now hold and declare the principle set forth in the next preceding paragraph as the one governing all cases of this nature."

The records show that the plaintiff-appellee was no longer connected with or employed in the "Dollar Taxi" of which the defendant-appellant was the operator, at the time the complaint was filed and that no insinuation or prayer was ever made for plaintiff-appellee's reinstatement in the pleadings. The trial court, therefore, acquired jurisdiction to take cognizance of the case, and the issues raised in the appeal being dominantly factual, the case is hereby returned to the Court of Appeals for determination of the merits of the appeal.

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

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