

BERNARDO SEBASTIAN, PETITIONER AND APPELLANT, VS. JUAN N. GERARDO, ETC., ET AL., RESPONDENTS AND APPELLEES.*G.R. No. 15849. June 30, 1961*

Ponente: LABRADOR, J.

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Appeal from a decision of the Court of First Instance of Manila, Hon. Froilan Bayona, presiding, dismissing a petition filed by Bernardo Sebastian, to prohibit the respondents Juan N. Gerardo, hearing officer of Regional Office No. 3. Department of Labor, and Crispin Selosa, from hearing and deciding a complaint filed by Selosa against Sebastian for collection of overtime pay.

Respondent-appellee Crispin Selosa, claiming to be employed by petitioner-appellant Bernardo Sebastian as a helper mechanic from February 2, 1955 up to November 20, 1956, at a daily wage of P4.00, instituted a complaint (docketed as R03-c7334, LS-1102) with Regional Office No. 3. for collection of overtime pay. After an answer thereto was filed by petitioner Sebastian and a hearing conducted thereon by respondent Hearing Officer Juan N. Gerardo. the latter rendered a decision awarding respondent Selosa the sum of P850.37, with interest thereon until fully paid.

Thereupon petitioner Sebastian filed with the Court of First Instance of Manila the instant petition for certiorari with preliminary injunction (docketed in that court as Civil Case No. 39120). wherein he prayed that the proceedings before the Hearing Officer of Regional Office No. 3 on the claim of Selosa against him be declared null and void. By way of provisional remedy, he asked for the issuance of a writ of preliminary injunction to stay the execution of the decision of the hearing officer. On February 20, 1959, respondent hearing officer moved to dismiss the petition, on the ground that it states no cause of action, there being no allegation that Plan No. 20-A is void or unconstitutional, nor of abuse of discretion on the part of respondent hearing officer.

Acting upon said motion to dismiss, the lower court on June 8, 1959 dismissed the case, on the ground that petitioner has not appealed from the decision of Regional Office No. 3 to the Labor Standards Commission, in accordance with Sec. 12, Article 3 of Republic Act No. 997, as amended by Republic Act No. 1241 and Plan No. 20-A. After the denial of a motion for reconsideration of the order which he filed, petitioner appealed to this Court.

Before this Court, petitioner-appellant claims that the lower court erred in dismissing the petition for certiorari for his failure to comply with Sec. 12, Article 3, Plan No. 20-A and in not holding that regional offices have no jurisdiction to hear and decide a case such as the present.

The decision appealed from must be reversed. In cases recently decided by us (Jose Corominas, Jr., et al. vs. Labor Standards Commission, et al., Manila Central University vs. Calupitan, et al., Wong Chun vs. Diego Carlim, et al., Balrodgan Co., Ltd., et al., vs. Fuentes et al., supra, p. 551) we have decided that the provision of Reorganization Plan No. 20-A especially Section 25, which grants regional offices original and exclusive jurisdiction to consider money claims, including overtime pay, under payment, pay for Sundays and legal

holidays, etc., is not authorized by the provisions of Republic Act No. 997, which creates and grants power to the Reorganization Commission. We expressly held that the legislature could not have contemplated a grant of power to the Reorganization Commission to take away the jurisdiction over money claims from ordinary courts of justice to the regional offices established by the Commission. The ruling of the lower court that the regional offices had no jurisdiction to consider the claim of Crispin Selosa is, therefore, correct.

However, its order dismissing the petition on the ground that Sebastian had not appealed from the decision of the regional office to the Labor Standards Commission, is incorrect. If the regional Office had no jurisdiction to hear and consider the claim of Crispin Selosa, all proceedings held in said regional office concerning the said claim are null and void and it is not necessary for Sebastian to appeal first to the Labor Standards Commission to question the jurisdiction of the said regional office before filing his action in the court below. An objection to the jurisdiction of a hearing officer is not waived by failure to raise the issue on an appeal therefrom and can be raised at any time before courts of justice.

Wherefore, the proceedings before and judgment by the regional office are hereby set aside. With costs against respondent Crispin Selosa. So ordered.

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

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