

FOOKIEN TIMES COMPANY, INC., AND GO PUAN SENG, PETITIONERS, VS. THE HONORABLE COURT OF INDUSTRIAL RELATIONS AND FLORA CRUZ GALLERO, RESPONDENTS.

G.R. No. 16025. March 27, 1961

Ponente: LABRADOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-16025/>

LABRADOR, J.:

This is a petition for prohibition and certiorari against the Court of Industrial Relations and Flora Cruz Gallero, to enjoin the Court of Industrial Relations from taking cognizance of the claims of respondent Flora Cruz Gallero for separation pay and overtime compensation, on the ground that the respondent court has no jurisdiction to take cognizance of the said claims.

Flora Cruz Gallero filed the action in the Court of Industrial Relations against the Fookien Times Company, Inc. and Go Puan Seng for overtime pay during the period from 1952 to 1957, maternity pay on three occasions, namely, on July 16, 1954, October 8, 1955, and June 4, 1958, separation pay, and sick and vacation leave pay. She alleged that she started as employee in the respondent Fookien Times Company, Inc. on July 9, 1952 and was dismissed on September 5, 1958. The complaint was filed on November 13, 1958.

Upon being apprised of the petition, the respondents filed a motion to dismiss the action, alleging that the court has no jurisdiction to consider the claims for separation pay, sick and vacation leave pay, overtime wages, and maternity leave pay. In an order dated August 4, 1959, the court dismissed the claims for sick and vacation leave pay and maternity leave pay, but required the respondents to answer the claim for separation pay and overtime compensation.

It is claimed that the respondent court has no jurisdiction to take cognizance of said separation pay and overtime compensation. It is to be noted that no claim is made in the complaint for unfair labor practice or for reinstatement. Neither is there a claim that respondent is a member of any labor organization which has secured contractual rights with respect to her claim against the petitioner herein, respondent in the court below. The claim for separation pay and overtime compensation is therefore an ordinary claim for money, cognizable in the ordinary courts of Justice. To such effect are the decisions of this Court in the cases of *Mindanao Bus Employees' Labor Union vs. The Mindanao Bus Company and the Court of Industrial Relations*, G. R. No. L-9795, December 28, 1957; *Aguilar vs. Salumbides*, G. R. No. L-10124, Dec. 28, 1957; *Roman Catholic Archbishop of Manila vs. Yanson, et al.*, G. R. Nos. L-12341 and L-12345, April 30, 1958; *Chua Workers' Union vs. City Automotive Co., et al.*, G. R. L-11655, April 29, 1959. In the said cases we held:

"Conformably to the above ruling, we have also held that as the law stands the Court of Industrial Relations has no authority to hear and determine petitions for payment of overtime wages (*Mindanao Bus Employees Labor Union vs. Mindanao Bus Co. et al.*, G. R. No. L-9795, December 28, 1957), or for payment of wage differentials and separation pays (*Aguilar vs. Salumbides*, G. R. No. L-10124, December 28, 1957)." (*Roman Catholic Archbishop of Manila vs. Yanson, et al.*, *supra*.)

"The subject matter of the case at bar is, thus, identical to that of the foregoing cases, which are accordingly controlling on the issue before us. It should be noted, also, that the rule laid down in the two (2) cases above mentioned, was reiterated by this Court in *Roman Catholic Archbishop of Manila vs. Hon. V. Jimenez Yanzon, et al.* (L-12341) and *Elizalde & Co. vs. Hon. V. Jimenez Yanzon, et al.* (L-12345), both decided on April 30, 1958. Inasmuch as the Court of Industrial Relations had no jurisdiction over the present case, a discussion of the other questions raised by appellants herein is unnecessary." (*Chua Workers' Union [NLU] vs. City Automotive Co., et al. supra.*)

In view of the above decisions, the writ is hereby granted and the respondent court enjoined from hearing the claims of respondent Flora Cruz Gallero. With costs against respondents.

Bengzon, Acting C. J., Padilla, Bautista Angelo, Concepcion, Reyes, J. B. L., Barrera, Paredes, and Dizon, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.