

**BENITO SY HUAN, PETITIONER, VS. HONS. JOSE P. BAUTISTA,
BALTAZAR VILLANUEVA, ARSENIO I. MARTINEZ, EMILIANO C.
TABIGNE, AMANDO BUGAYONG AND LUMBER SAWDUST
WORKERS' UNION (PLUM), ...**

G.R. No. 16115. August 29, 1961

Ponente: NATIVIDAD, J.

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NATIVIDAD, J.:

This is a proceeding for certiorari and prohibition with preliminary injunction. Its purpose is to secure an order vacating and setting aside a resolution of the Court of Industrial Relations ordering that Case No. 952-V of that Court, Lumber Sawdust Workers' Union (PLUM), petitioner, versus Benito Sy Huan, respondent, be reinstated and set for hearing, declaring that court to be without jurisdiction to hear that case, and enjoining it from further proceeding therein. As prayed for, a writ of preliminary injunction was issued.

It appears that on September 22, 1954, respondent, Lumber Sawdust Workers' Union (PLUM) filed with the Court of Industrial Relations against the petitioner, Benito Sy Huan, a petition asking for payment to 23 of its members of compensation for overtime, Sunday and holiday services as follows:

Name

Period of Claims

Weekly wage

Total

1. Gregorio Lagrosa

2/10/48 to 9/14/54

P18.00

P5,708.60

2. Gregorio Mislos

8/17/50 to 9/14/54

18.00

5, 244.40

3. Expedito Valdez

5/15/53 to 9/14/54

18.00

2,284.48

4. Elpidio Villaflor

1/ 2/52 to 9/14/54

18.00

5,981.64

5. Guillermo Honrado

10/ 1/52 to 9/14/54

18.00

5,284.56

6. Pedro Maniñas

6/15/54 to 9/14/54

25.00

321.96

7. Ramon Belenzo

3/18/53 to 9/14/54

36.00

3,159.44

8. Carlos Besmano

6/24/52 to 9/14/54

18.00

2,966.00

9. Salvador Beares

2/20/49 to 9/14/54

18.00

6,957.84

10. Ernesto Pineda

6/19/52 to 9/14/54

18.00

3,779.84

11. Ernesto de Vera

1/19/51 to 9/14/54

18.00

2,786.06

12. Anatolio Mindajar

5/10/49 to 9/14/54

18.00

6,712.04

13. Jeremias Cervantes

3/20/50 to 9/14/54

18.00

5,658.94

14. Jaime Tabor

10/16/52 to 9/14/54

18.00

2,577.96

15. Angel Rosite

3/10/52 to 9/14/54

18.00

3,362.88

16. Emilio Dalmacion

1/15/51 to 9/14/54

18.00

4,821.14

17. Victor Mosende

6/12/51 to 9/14/54

18.00

3,857.64

18. Tarcilo Juanerio

6/15/53 to 9/14/54

18.00

1,688.88

19. Amador Tumoro

2/ 9/51 to 9/14/54

18.00

4,965.70

20. Moises Mosende

3/12/53 to 9/14/54

18.00

2,034.84

21. David Timayo

9/16/52 to 9/14/54

18.00

3,805.56

22. Abner Corano

1/18/53 to 9/14/54

18.00

2,272.92

23. Corino Torciano

2/18/52 to 9/14/54

18.00

3,140.92

On October 8, 1954, Benito Sy Huan filed his answer to the petition, controverting all its material allegations, and asking, in counterclaim, for judgment in the sum of P2,000.00 as actual damages, plus P1,000.00 as attorney's fees. Later on, however, or on August 1, 1955, he filed a motion to dismiss the case, on the ground that the Court of Industrial Relations had no jurisdiction to take cognizance thereof, no industrial dispute existing between the parties having been alleged. Lumber Sawdust Workers' Union (PLUM) opposed this motion. After hearing, the Court of Industrial Relations, in an order dated August 22, 1955, dismissed the petition. On May 13, 1959, or about four years thereafter, however, said court, in a resolution bearing that date, set aside its order of August 22, 1955, dismissing the case, declared itself with jurisdiction over it, and ordered that the same be set for hearing. This is the resolution the review of which is sought in this proceeding.

The petitioner contends, in effect, that in issuing the resolution of May 13, 1959, above referred to, the respondent court acted without or in excess of its jurisdiction, or with grave abuse of discretion, and consequently said resolution should be vacated and set aside. It is claimed that as there is no labor dispute between him and respondent union affecting their relation as employer and employee; that the controversy does not refer to minimum wage under the Minimum Wage Law, or involve unfair labor practice, or hours of employment under

the Eight-Hour Labor Law, but involves collection of compensation for overtime, Sunday and holiday services, the Court of Industrial Relations had no jurisdiction to entertain the action.

Petitioner's position is well-taken. The jurisdiction of the Court of Industrial Relations, under the law and the jurisprudence, extends only to cases involving (a) labor disputes affecting an industry which is indispensable to the national interest and is so certified by the President to the Court, Section 10, Republic Act No. 875; (b) controversy about the minimum wage under the Minimum Wage Law, Republic Act No. 602; (c) hours of employment under the Eight-Hour Labor Law, Commonwealth Act No. 444; and (d) unfair labor practice, Sec. 5-(a), Republic Act No. 875. (PAFLU vs. Tan, 99 Phil., 584; 52 Off. Gaz., 5836; Reyes vs. Tan, 99 Phil., 880; 52 Off. Gaz., 6187; PAFLU vs. Barot, 99 Phil., 1008; 52 Off. Gaz., 6544; Allied Free Workers Union vs. Apostol, 102 Phil., 292; 54 Off. Gaz., 981; Mindanao Bus Employees Labor (PLUM) vs. Mindanao Bus Co., G. R. No. L-9795, December 28, 1957; Dee Cho Lumber Workers (NLU) vs. Dee Cho Lumber Co., 101 Phil., 417; 55 Off. Gaz., 434; Roman Catholic Archbishop of Manila vs. J. Yanzon and Elizalde & Co. vs. J. Yanzon, G.R. Nos. L-12341 and L-12345, April 30, 1958; Chua Workers' Union (NLU) vs. City Automotive Co., G.R. No. L-11655, April 29, 1959; and Philippine Sugar Institute vs. Court of Industrial Relations, et al., 106 Phil., 401; 57 Off. Gaz., 635). And such disputes and controversies, in order that they may fall under the jurisdiction of the Court of Industrial Relations, must arise while the employer-employee relationship between the parties exists, or the employee seeks reinstatement. When such relationship is over and the employee does not seek reinstatement, all claims become money claims that fall under the jurisdiction of the regular courts. Price Stabilization Corporation vs. Court of Industrial Relations, et al., 108 Phil., 134; New Angat-Manila Transportation Co., et al., vs. Court of Industrial Relations, et al., G. R. No. L-16283, December 27, 1960; Philippine Wood Products, et al., vs. Court of Industrial Relations, et al., supra, p. 640. In Price Stabilization Corporation vs. Court of Industrial Relations, supra this Court, after an analysis of the previous rulings on the subject, held:

"Analyzing these cases, the underlying principles, 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 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."

The petition filed by respondent Lumber Sawdust Worker's Union (PLUM) in case No. 952-V of the Court of Industrial Relations merely prays that the petitioner Benito Sy Huan be ordered to pay to 23 of its union members therein named the several amounts stated opposite their names, which were claimed to be due to them as compensation for overtime, Sunday and holiday services previously rendered to said petitioner and which the latter failed to pay. It contains no statement that said 23 union members were still employed by the petitioner at the time of the filing of said petition, or that they were seeking reinstatement in the service of said petitioner. In fact, there is reason to conclude that the employer-employee relationship between said union members and the petitioner had already been severed, for in the latter's answer to the union's petition there was an averment that "some of the petitioners were dismissed for lack of confidence and misappropriation of respondent's money whereas the rest of the petitioners through their own accord stopped working with respondent in sympathy with their companions/" and this averment has not been contradicted. There is no allegation either in the petition, or elsewhere in the pleadings, that there existed a labor dispute between the parties, or that the case involves an unfair labor practice, or minimum wage under the Minimum Wage Law. It merely states that "this labor dispute is brought to this Honorable Court inasmuch as respondent company has failed to enforce and comply with Com. Act 444 regarding payment for wages due as well as premiums for overtime, Sunday and holiday work rendered

by said unionists," which is far from constituting an affirmative allegation that the case involves a labor dispute over which, under the law, the Court of Industrial Relations has jurisdiction.

Upon the facts, therefore, as disclosed by the pleadings, it is clear that the demand made in case No. 952-V is purely a money claim falling under the jurisdiction of the regular courts and over which the Court of Industrial Relations has no jurisdiction. Consequently, the respondent court committed error and acted without jurisdiction in issuing its resolution of May 13, 1959, declaring itself with jurisdiction over the case, and ordering that it be set for hearing.

Wherefore, the instant petition for certiorari and prohibition is granted, and the resolution of the respondent court of May 13, 1959, herein complained of, is vacated and set aside and the writ of injunction heretofore issued is made permanent. Without costs. It is so ordered.

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

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