

REPUBLIC SAVINGS BANK, PETITIONER, VS. THE HONORABLE COURT OF INDUSTRIAL RELATIONS AND NARCISO MACARAEG, RESPONDENTS.*G.R. No. 16637. June 30, 1961*

Ponente: LABRADOR, J.

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This is a petition filed in this Court against the Court of Industrial Relations, alleging that said court has no jurisdiction to take cognizance of the complaint filed before it by Narciso Macaraeg against the Republic Savings Bank for the collection of overtime pay for services rendered as security guard of said bank from July, 1955 to July 18, 1958, when he was separated from the bank, and praying that the said court's order granting and giving due course to the complaint be set aside and said complaint be dismissed.

The action, cognizance of which is sought to be enjoined in the present petition, is Case No. 1104-V of the Court of Industrial Relations, Narciso Macaraeg vs. Republic Savings Bank, for overtime pay rendered up to the time when plaintiff was separated from the defendant. There is no claim that plaintiff is entitled to be reinstated in his position nor any petition to that effect. After filing its answer the defendant moved to dismiss the case on the ground that the Court of Industrial Relations had no jurisdiction over the same. The motion was granted by the hearing judge, Associate Judge Emiliano C. Tabigne, but on motion for reconsideration the majority of the respondent court en banc reconsidered the order of dismissal and remanded the case for trial for the reception of evidence on the merits of the case.

In a long line of decisions we have heretofore held that the Court of Industrial Relations under Republic Act No. 875 no longer has jurisdiction to take cognizance of money claims. Jurisdiction to consider such claims is vested in a competent court by Section 16 of Republic Act No. 602. (PAFLU vs. Tan, 99 Phil., 854; 52 Off. Gaz., 5826; Reyes vs. Tan, 99 Phil., 880; 52 Off. Gaz., 6187; Roman Catholic Archbishop of Manila vs. Hons. V. Jimenez Yanson, et al., G.R. No. L-12341, April 30, 1958 ; Chua Worker's Union (NLU) vs. City Automotive Company and Chuan Hon. G.R. No. L-11655, April 29, 1959). We have however, excepted from the above ruling cases in which an employee or laborer continues in the service of his employer or seeks reinstatement after dismissal or separation. The case cited by respondent court to sustain its ruling that it still has jurisdiction over the case of respondent Republic Savings Bank filed against it by Macaraeg, is Monares vs. C. H. S. Enterprises, et al., G. R. No L-11749, May 29, 1959 . But this case (of Monares) the complaint not only sought salary differentials and overtime pay but also reinstatement. In the the case at bar respondent Macaraeg had already been separated from the service of the Republic Savings Bank when he instituted the action. No claim is made that his separation is illegal or that he still has the right to continue in the service or to be reinstated, by virtue of a contract or otherwise. Under this circumstance, the action is purely a money claim cognizable by the ordinary courts of justice in accordance with the provisions of Republic Act No. 602.

Wherefore, the petition is hereby granted and the order of the respondent court reconsidering the order of

dismissal rendered by judge Tabigne and setting it aside, is set aside, without prejudice to the filing of the claim of Macaraeg in any competent court. Without costs.

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

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