

GOVERNMENT SERVICE INSURANCE SYSTEM, PETITIONER VS. GSIS EMPLOYEES' ASSOCIATION AND COURT OF INDUSTRIAL RELATIONS, RESPONDENTS.

G.R. No. 17185. February 28, 1964

Ponente: PADILLA, J.

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PADILLA, J.:

This appeal by certiorari under Rule 44 seeks after review the reversal of a judgment rendered and resolution en banc promulgated by the Court of Industrial Relations on 29 June 1959 and 14 March 1960, respectively, in "GSIS Employees' Association vs. Government Service Insurance System," Case No. 896-V, holding that it has jurisdiction of the case concerning 21 demands of the respondent association which led to a strike on 17 June 1953 and the case was certified to by the Acting Secretary of Labor; that the judgment sought to be clarified already had become final, and denying the motion for reconsideration on the grant of family allowance to GSIS employees.

On 6 July 1959, the petitioner, then respondent, filed a motion for clarification and reconsideration of the judgment thus rendered praying the respondent Court to clarify (1) whether the right of collective bargaining of the GSIS Employees' Association (GSISEA) "means that the GSIS Management is bound to bargain on some matters with the petitioner-union," the petitioner contending that the rates of pay and the terms and conditions of employment of its employees are governed by law and may not therefore be the subject of collective bargaining whether the order allowing employees receiving- salary ranging from P120.00 to P190.00 a month to receive an increase of P10.00 a month, and those in the bracket from P200.00 to P245.00 a month to receive P5.00 raise per month from July 1, 1953, until the implementation of the job classification made by the WAPCO, applies to all employees regardless of whether or not they received promotions after 1953; (2) to reconsider its order granting family allowance to GSIS employees "who were employed, got married and had children between 1 July 1952 and the date said allowance was absorbed in the basic pay;" and (3) "to delete the observation on pages 27 & 28 of the decision quoted herein on the deceptions about the financial conditions of the GSIS." (Annex C).

On 13 August 1959, the Court of Industrial Relations entered an order (Annex D to Supplemental Pleading) holding that the recognition of the right of a labor union for the purpose of collective bargaining does not carry with it the duty to accept by the other party terms and conditions of employment offered if the same cannot be the subject of a collective bargaining agreement; that salary increases granted by the GSIS during the pendency of the case in court are not substitutes for the increases granted in the judgment since said increases are separate and independent of each other; and denying the prayer of the GSIS to delete part of the judgment. The parties were directed to inform the respondent Court whether their motions for reconsideration would be withdrawn or submitted to the respondent Court en banc. (Annex D).

On 16 October 1959, petitioner, then respondent, filed a motion to set for hearing its motion for clarification and reconsideration dated 6 July 1959 before the respondent Court en banc (Annex E). A motion for reconsideration

of the judgment was also filed by the GSIS Employees Association.

On 14 March 1960, the respondent Court en banc denied the petitioner's motion for clarification and reconsideration (Annex F) holding that the Court has jurisdiction over the case, and that only the second point (family allowance) in the motion for reconsideration, together with the arguments advanced in support thereof, was deemed submitted to the respondent Court en banc for resolution, the respondent Court being of the opinion that a motion for clarification does not suspend the period within which a motion for reconsideration or an appeal may be filed and taken to the Court en banc or to the Supreme Court, respectively, and that, as there was already a judgment, a motion for reconsideration or an appeal to the respondent Court en banc or the Supreme Court should have been filed or taken.

On 22 July 1960, petitioner GSIS filed its notice of appeal from the respondent Court's judgment rendered on 29 June 1959 and its resolution en banc promulgated on 14 March 1960 (Annex A to Petition for Extension of Time to file Supplemental Pleading and supporting papers).

On 26 July 1960, petitioner GSIS filed its petition for review predicated on three grounds, namely: (1) lack of jurisdiction of the respondent Court over the subject matter of the case, (2) the filing of a motion for clarification of the respondent Court's judgment suspends the time for filing a motion for reconsideration or appeal, and (3) error of the respondent Court in granting salary increases to the employees of the GSIS.

On 27 July 1960, respondent GSIS Employees' Association moved for the dismissal of the petition for review on the ground that this Court already had upheld the jurisdiction of the Court of Industrial Relations in 98 Phil., 876, entitled "GSIS vs. Hon. Castillo, etc., et al.," 27 April 1956 (Annex B to Supplemental Pleading), and that the respondent Court's order of clarification entered on 13 August 1959 and its resolution promulgated on 14 March 1960 (Annexes D and F) already have become final, since no motion for reconsideration had been filed with the Court en banc, nor an appeal to the Supreme Court had been taken by the aggrieved party within (5) days or ten (10) days, respectively, from receipt of a copy of the order under Sees. 15-17 of the Rules of the Court of Industrial Relations, as amended; or, if filed within the reglementary periods, the petition for review is not in accordance with Sec. 2, of Rule 44 of the Rules of Court, for questions of law have not 'been distinctly set forth in the petition.

On 10 August 1960, petitioner filed its "Supplemental Pleading to the Petition for Review" alleging and claiming (1) that the respondent Court has no jurisdiction over the subject matter of the case; (2) that the respondent Court erred in holding that a motion for clarification of its judgment does not suspend the time for filing a motion for reconsideration, for a party cannot move for reconsideration or appeal from an order or judgment until it is clarified; and (3) that the respondent Court erred in granting salary increases to GSIS employees.

On 24 August 1960, this Court gave due course to the petition.

On 21 September 1960, respondent GSIS Employees' Association filed its answer and, after refuting petitioner's three grounds for review, asked for the dismissal of the case on the ground that the judgment sought to be reviewed already had become final and, therefore, the issue of jurisdiction could no longer be raised. On 10 October 1960, the respondent Court filed a motion praying that it be allowed to adopt as its own the answer of its co-respondent, GSIS Employees' Association.

In its brief, petitioner contends that as the controversy in the case does not involve the Minimum Wage Law, the Eight Hour Labor Law, an industry indispensable to the national interest duly certified to the Court of Industrial Relations by the President, nor is an unfair labor practice case under R.A. No. 875, the controversy does not come within the jurisdiction of the respondent Court. It argues that on the day R.A. No. 875 took effect (17 June 1953),

the respondent Court was deprived of jurisdiction of cases, other than those mentioned above, because a law passed or approved is deemed to be effective from the first moment of the date of its approval or passage. Petitioner also maintains that even if it had made partial payments of the monetary awards granted in the judgment, such payments do not preclude it from raising the jurisdictional question, for jurisdiction is conferred only by law, and that lack of jurisdiction of a Court over the subject matter involved in a case may be raised at any stage of the proceedings.

Petitioner's contention that the respondent Court has no jurisdiction because GSIS employees are governed by the Civil Service Law is untenable. In the case of *GSIS vs. Hon. Modesto Castillo, etc., et al.*, supra, this Court held that the Court of Industrial Relations has jurisdiction over labor disputes affecting government-owned or controlled corporations, and that C. A. No. 103 does not exclude civil service employees from the court's jurisdiction. Even under section 11 of Rep. Act. No. 875, which provides that-

"The terms and conditions of employment in the Government, including any political subdivision or instrumentality thereof, are governed by law and it is declared to be the policy of this Act that employees therein shall not strike for the purpose of securing changes or modification in their terms and conditions of employment. Such employees may belong to any labor organization which does not impose the obligation to strike or to join in strike; Provided, however, that this section shall apply only to employees employed in governmental functions and not to those employed in proprietary functions of the Government including but not limited to governmental corporations." the jurisdiction of the respondent Court over employees in government-owned or controlled corporations performing proprietary functions is provided, admitted and recognized.

It appears from the pleadings and annexes thereto attached that on 6 July 1959 a motion for clarification and reconsideration of the judgment rendered on 29 June 1959 was filed by the petitioner, then respondent (Annex C).

On 13 August 1959, this motion was acted upon by the respondent Court (Annex D). On 16 October 1959, the petitioner moved to have its motion for clarification and reconsideration set for hearing before the respondent Court en banc (Annex E). A motion for reconsideration of the judgment was also filed by the then petitioner, now respondent association. On 14 March 1960, the respondent Court promulgated a resolution denying the motion for clarification and reconsideration and holding that the motion for clarification did not suspend the period within which a motion for reconsideration with the respondent Court could be filed or an appeal to the Supreme Court could be taken, and that only the second point on family allowance together with the arguments in support thereof was deemed submitted to it en banc. (Annex F). On 22 July 1960, petitioner filed its notice of appeal from the judgment rendered on 29 June 1959 and resolution promulgated on 14 March 1960 (Annex A to Petition for Extension of Time to file Supplemental Pleadings and supporting papers).

On 26 July 1960, the instant petition or appeal by certiorari was filed in this Court. From 14 March 1960, the date when the resolution was promulgated denying the motion for clarification and reconsideration, to 22 July 1960, the date when notice of appeal was filed by the petitioner, and , 26 July 1960, the date of the filing of the instant petition, more than four months had elapsed. Therefore, the appeal was not taken within the period, as provided for in section 1 Rule 44, section 14 Com. Act No. 103, and section 6 of Rep. Act No. 875.

The petition or appeal by certiorari is dismissed, without pronouncement as to costs.

Bengzon, C. J., Bautista Angelo, Labrador, Concepción, Reyes, J. B. L., Barrera, Paredes, Dizon, Regala, and Makalintal, JJ., concur.

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