

PEDRO GALLARDO, DECEASED, SUBSTITUTED BY MARIA VDA. DE GALLARDO, PLAINTIFF AND APPELLEE VS. COROMINAS, RICHARDS NAVIGATION CO., INC., ET AL., DEFENDANTS AND APPELLANTS.*G.R. No. 17453, December 26, 1963*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-17453/>

On January 11, 1955, Pedro Gallardo (now deceased and substituted in this case by his widow, Maria Vda. de Gallardo) filed an action in the Court of First Instance of Cebu (Civil Case No. R-3843) against Corominas, Richards Navigation Co. Inc., Cresencio Richards and Castor Goyone the last two general manager and shipping manager of said shipping firm, respectively, seeking reinstatement to his position as ship captain of the vessel M/V "Eduardo Corominas", recovery of his salaries from the date of dismissal until actual reinstatement, and damages. His complaint alleged that he was employed by the defendants since November 9, 1952 as ship captain, first, of the M/V "Philippine Victory", and later, of the M/V "Eduardo Corominas"; that on December 22, 1954, he was temporarily relieved from his duties and was subsequently dismissed without lawful cause.

Defendants claimed that plaintiff's dismissal from the service was for just cause.

After trial upon the issue thus raised, the Court rendered judgment as follows:

"EN virtud de lo EXFRESADO, se dicta sentencia sobreseyendo la demanda en cuanto pide que sean ordenados los demandados a reponer al demandante en su cargo y a pagarle los sueldos correspondiente desde su separacion, sin perjuicio de cualquier derecho del demandante de someter la cuestion ante la Corte de Relaciones Industrial pero se condena a los demandados a pagar al demandante la cantidad de Cuatrocientos (P400.00) pesos que representa la mesada, de acuerdo con la ley No. 1052 de la Republica, P200.00 como honorarios de abogado y las costas del juicio."

While defendants' appeal was pending decision in the Court of Appeals, they filed a motion to dismiss the case, on the ground that the trial court had no jurisdiction over the same, pursuant to the ruling in *Prisco vs. Court of Industrial Relations*, 108 Phil., 134, promulgated on May 23, 1960, with the result that all proceedings had therein were void. In view of said motion, the Court of Appeals certified the case to Us.

If appellee's claim was not really within the jurisdiction of the Court of First Instance of Cebu, it seems clear that the appealed decision is void and must be set aside, without prejudice to appellee prosecuting her case in the competent court.

It is already well settled that where an employee seeks reinstatement to the office from which he claims to have been wrongfully discharged, the Court of Industrial Relations is the one vested with jurisdiction over all claims arising out of, or in connection with the employment (*Prisco vs. Court of Industrial Relations*, supra). The complaint filed by Pedro Gallardo in the Court a quo clearly seeks reinstatement to his position as captain of the M/V "Eduardo Corominas" from which he claimed to have been discharged without just cause. Consequently, the matter of his reinstatement as well as all claims arising out of, or in connection therewith, are within the jurisdiction of the Court of Industrial Relations.

Wherefore, the decision appealed from is set aside without prejudice to appellee prosecuting her claim before the

Court of Industrial Relations.

Bengzon, C.J., Padilla, Bautista Angelo, Labrador, Barrera, Paredes, Regala and Makalintal, JJ., concur.

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