

**KAPISANAN NG MGA MANGAGAWA SA PANTRANCO, PETITIONER,
VS. THE COURT OF INDUSTRIAL RELATIONS, COMPOSED OF THE
HONORABLES, FRANCISCO ZULUETA, LEOPOLDO ROVIRA AND JOSE
GENEROSO, AND...**

G.R. No. 46729. September 25, 1939

Ponente: LAUREL, J.

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LAUREL, J.:

This appeal was originally case No. 87 of the Court of Industrial Relations, entitled "Kapisanan ng mga Mangagawa sa Pantranco vs. Pangasinan Transportation Co."

It appears that on February 10, 1939, the herein petitioner submitted to the management of the respondent company a 20-point petition (Exhibit A). The Department of Labor intervened in the controversy, and an agreement was reached by virtue of which five unsettled demands of the petitioner were certified to the Court of Industrial Relations. The most important of these demands and which, in reality, is the subject of this appeal is claim No. 4 which refers to the payment of back overtime pay. The respondent court, through one of its judges, rendered judgment on April 3, 1939, denying the demand for overtime payment. The petitioner moved for reconsideration, but the respondent Court of Industrial Relations, sitting in banc, denied the motion. Hence, the elevation of this case to this court.

Act No. 4123, as amended by Act No. 4242 and by Commonwealth Act No. 444, limits the number of working hours to eight, although in the special cases mentioned in its sections 3 and 5, employees may work overtime for not more than twelve hours and shall in those cases be entitled to additional compensation. But the power of deciding whether or not the laborers or employees may work for more than the legal number of hours does not rest with the laborers or with their employers, but with the Secretary of Labor who is empowered by law "to decide in each case whether or not it is proper to increase or decrease the number of hours of labor." (Sec. 3, Act No. 4123.) The law requires both the employees and the employer to address an application to the Secretary of Labor for this purpose. Performance of overtime work except in the manner provided is prohibited and penalized. (Sec. 11, Act No. 4123.) Compliance with the law in this regard is a matter of public interest. Having failed to fulfill the mandate of the law, and under the circumstances found by the Court of Industrial Relations, we are of the opinion that said court did not err in declining to extend the benefits of section 5 of Act No. 4123 to the laborers concerned of the petitioner union.

The appeal is dismissed, without pronouncement regarding costs. So ordered.

Avanceña, C. J., Villa-Real, Imperial, Diaz, Concepcion, and Moran, JJ., concur.

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