

MD TRANSIT & TAXI CO., INC., AND CAM TRANSPORTATION CO., INC., PETITIONERS, VS. HON. FRANCISCO L. ESTRELLA, MD-CAM LOCAL 3, REPRESENTED BY ITS PRESIDENT, ROMAN DOMASIG, AND SHER...

G.R. No. 51479. August 21, 1980

Ponente: MELENCIO-HERRERA, J.

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MELENCIO-HERRERA, J.:

The background facts to this case have been aptly summarized in the "Memorandum for Public Respondents," thus:

"Pursuant to an order issued in NLRC Case Nos. 2399 and 3223 finding that petitioner companies have a capitalization of less than one million pesos, the latter paid the members of respondent union (MD-CAM LOCAL 3) P30.00 each per month as emergency cost-of-living allowance in accordance with P.D. 525.

"Having discovered later that petitioner's true and actual capitalization was more than one million pesos and that they should have paid their workers a monthly emergency allowance of P50.00 instead of P30.00 only, herein private respondent filed, on October 27, 1977, Case No. RO-4-9009-77 (actually RO4-9669-77) claiming for its members an emergency cost-of-living allowance differential of P20.00 monthly each starting August 1, 1974.

"The National Capital Region (Region IV) of the Ministry of Labor dismissed the case but, on appeal by respondent union, the Ministry of Labor, on November 28, 1978, through Deputy Minister Amado G. Inciong, reversed the decision of the Director of the Regional Office and ordered petitioner companies to pay the members of respondent union a differential pay of P20.00 in their monthly emergency cost-of-living allowance, pursuant to the provisions of P.D. 525 starting January 1, 1976 up to May 1, 1977 when P.D. 1123 took effect.

"The Order of Deputy Minister Inciong of November 28, 1978 having become final and executory, respondent union moved for the enforcement of the same. After four hearings to ascertain the amount of allowance differential to be paid the members of respondent union, Regional Director Francisco L. Estrella issued a writ of execution directing the sheriff to collect from petitioners the amount of P240,820.00, corresponding to the emergency cost-of-living allowance differential due the members of private respondent under P.D. 525 from January 1, 1976 to May 1, 1979 (actually May 1, 1977)."[1]

Petitioner companies moved to quash execution at the same time that it prayed for a declaration that employees receiving more than P600.00 a month be disqualified from the benefits provided for by PD 525, as well as for a computation of the allowances by a Labor Analyst.

Unsuccessful in their efforts to quash, a notice of sale on execution having been issued by the Sheriff, petitioner companies came up to this instance on Certiorari with an urgent "Petition for a Temporary Restraining Order", which we issued on September 27, 1979, enjoining the enforcement of the Writ of Execution.

Initially, the companies assailed the correctness of the amount of the emergency cost-of-living allowance differential to be paid their employees alleging that in the list of entitled employees submitted by private respondent union, and on which was based the Writ of Execution, employees receiving more than P600.00 a month were included, contrary to PD 525.

After receiving the Comments of the parties, we resolved, on January 16, 1980, to give partial due course to the Petition in so far as employees receiving above P600.00 monthly are concerned, and lifted the Restraining Order for those employees receiving below P600.00 a month.

However, upon the companies' Urgent Motion for Reconsideration dated February 11, 1980 contending that the computation adopted for employees receiving below P600.00 included the days when they were absent without pay, contrary to PD 525, we suspended, on February 15, 1980, the lifting of the Restraining Order in so far as employees receiving below P600.00 a month were concerned, and required comments by respondents.

The Comments as well as the Memoranda required of the parties have been submitted.

After consideration of the same, it is obvious that the bone of contention is a matter of computation. The companies maintain that the Writ of Execution varied the terms of the judgment of the Deputy Minister of Labor and is erroneous in that employees receiving P600.00 and above a month have been included, while with respect to those receiving below P600.00, computation was made without deduction of absences, both contrary to PD 525. The pleadings further show that there is disagreement between the parties even as to the basis for computing the employees receiving a monthly salary of P600.00 and above, and those receiving below that amount, in view of the Union's position that the wage structure of drivers, conductors and conductresses is different from the ordinary run of employees. The companies have also submitted their own computation of the monetary award due employees receiving below P600.00 a month,[2] as well as a list of employees receiving above P600.00.[3] Respondent Union argues, on the other hand, that the companies' computation is erroneous as it uses the equivalent daily allowance differential of only P0.67 (P20.00 monthly differential divided by 30 days) based on the actual normal working days of 30 days a month and 365 days a year, whereas it should actually be P0.795 (or P0.80 to the nearest centavo), on the premise that service by the employee for 208 hours (26 days times the first 8 hours) constitutes a full month's work and the actual normal working days in a year is 313 days and not 365 days as determined by the companies.

It is our considered opinion then that the matter of computation and re-computation of salaries and allowances raised in the present Petition involves factual questions that are better left to the competence and judgment of the Ministry of Labor. It is the qualified regulatory agency which can determine more speedily the issue herein as it is expected to have acquired expertise in the ascertainment of decisive facts, its jurisdiction being confined to specific matters.[4]

The Court is vested with authority to reconsider its previous resolutions granting due course to a petition and to dismiss the same without need of an extended opinion, as enunciated in the case of Sollorano vs. Court of Appeals, 62 SCRA 478, (1975) and adopted in subsequent cases, the latest among which being the case of Monfort vs. Court of Appeals.[5]

ACCORDINGLY, the Court resolves to RECONSIDER its Resolution of January 16, 1980 giving partial due course to this Petition for Certiorari and, instead, to DISMISS the same and to remand this case to the Office a quo with the suggestion, if it has not yet done so, that it hear the parties on the re-computation issue. The Restraining Order issued on September 27, 1979 enjoining the enforcement of the Writ of Execution is hereby lifted, it being understood that respondent Office shall not enforce the same pending the aforesaid hearing and the eventual outcome thereof.

Petitioner's Urgent Motion for Reconsideration of the Court's Resolution dated January 16, 1980 is denied.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Guerrero, and De Castro, JJ., concur.
Fernandez, J., on leave.

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- [1] pp. 1-2 Memorandum for Public Respondents.
[2] Annexes "A" and "B", Reply, pp. 176-212, Rollo.
[3] Annexes "C" and "D", Reply, pp. 213-240, Rollo.
[4] Begosa vs. Chairman, PVA, 32 SCRA 466 (1970).
[5] L-39201, April 30, 1980.

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