

RONALD CABE AND PURITA CABE, PETITIONERS, VS. SOTERO L. TUMANG, ASSISTANT REGIONAL DIRECTOR FOR ARBITRATION, AND AMBROCIO SISON, ACTING SHERIFF, REGION I, MINISTRY OF LABOR AND ...

G.R. No. 57682. March 18, 1985

Ponente: AQUINO, J.

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AQUINO, J.:

This case is about the jurisdiction of the Labor Regional Office over a breach of a construction contract. Samuel Tamayo agreed in March, 1979 to construct for the spouses Ronald Cabe and Purita Cabe their rest of dental house for P106,000 in accordance with the plans and specifications prepared by an architect.

Tamayo started the work. The Cables dispensed with his services when he allegedly made certain deviations from the plans. The house was finished by other persons.

Tamayo on June 28, 1979 sued the Cables in the Regional Office of the Department of Labor in Laoag City for the recovery of P7,000 as payment of labor and materials. He filed the case as head carpenter of his 18 co-workers, whose wages he had advanced, and for reimbursement of materials which he had purchased (pp. 68-69, Rollo).

The Assistant Regional Director for Arbitration ordered the Cables to pay Tamayo P6,400 as contractual wages and P600 as reimbursement of materials. The Cables assailed that decision by certiorari. They contend that the Assistant Director acted without jurisdiction.

We hold that Tamayo was an independent contractor and not an employee of the Cables. The Labor Regional Office and the National Labor Relations Commission had no jurisdiction over his claim. Their jurisdiction is confined to claims arising from employer-employee relationship (Art. 217, Labor Code; Mafinco Trading Corporation vs. Ople, L-37790, March 25, 1976, 70 SCRA 139; Aguda vs. Vallejos, G. R. No. 58133, March 26, 1982, 113 SCRA 69). Tamayo's claim is cognizable by the municipal trial court.

WHEREFORE, the decision of respondent Assistant Regional Director Tumang is reversed and set aside. No costs.

SO ORDERED.

Makasiar, (Chairman), Concepcion, Jr., Abad Santos, Escolin, and Cuevas, JJ., concur.

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