

AGUSAN DEL NORTE ELECTRIC COOPERATIVE, INC., ANTONIO L. SUAREZ, AS GENERAL MANAGER AND EX-OFICIO MEMBER OF THE BOARD OF DIRECTORS, ET AL., PETITIONERS, VS. HON. FORTUNATO A. VAI...

G.R. No. 60716. October 27, 1983

Ponente: PLANA, J.

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PLANA, J.:

This is a petition for certiorari with preliminary injunction set against the following background:

From 1977 to December 1981, Perlita S. Jongko was employed by the Agusan del Norte Electric Company, Inc. (ANECO) initially as accountant and later as office manager. On December 7, 1981, allegedly in the absence of a substantial basis and without giving Jongko reasonably sufficient opportunity to put up her defense, the ANECO general manager, Antonio Suarez, with the concurrence of the ANECO board of directors, dismissed Jongko as office manager for alleged dishonesty, conflicting interest, abuse of authority and insubordination.

On December 22, 1981, Jongko filed with the Court of First Instance of Agusan del Norte and Butuan City a petition for prohibition and mandamus against ANECO and its officers based on illegal dismissal, with a prayer for reinstatement with back salary. (Civil Case No. 410.) The defendants filed a motion to dismiss on the ground, among others, that the CFI had no jurisdiction over the subject matter of the action. The court denied the motion and refused to reconsider the same. Hence, this petition for certiorari filed on June 14, 1982 assailing the denial of the motion to dismiss on the ground that ordinary courts have no jurisdiction over illegal dismissal cases which have been assigned by law exclusively to labor arbiters.

Meanwhile, on the same date that the instant petition was filed, Jongko also filed with the court a quo an amended petition seeking not only reinstatement with back salary but also moral and exemplary damages.

Under Article 217 of Presidential Decree 442 (Labor Code), as amended by Presidential Decree 1367, labor arbiters had exclusive jurisdiction over labor cases involving illegal dismissal and all other cases arising from employer-employee relations, exclusive of claims for damages. For under P.D. 1367, "labor arbiters shall not entertain claims of moral or other forms of damages."

On May 1, 1980, however, PD 1691 amended the Labor Code by deleting the ban against labor arbiters taking cognizance of claims for damages. This amendment had the effect of restoring the jurisdiction of labor arbiters over said claims under their broad and exclusive authority to hear and decide -

"All money claims of workers, including those based on non-payment... of wages... and other bene-fits provided by law...

"All other claims arising from employer-employee relations, unless expressly excluded by this Code." [Article 217 (a). See *Aguda vs. Vallejos*, 113 SCRA 69; *Cardinal Industries, Inc. vs. Vallejos*, 114 SCRA 472; *Getz Corp. (Phil), Inc. vs. Court of Appeals*, 116 SCRA 86.]

The legal situation remained despite the subsequent enactment of Batas Pambansa 130 on August 21, 1980.

Thus, when in December, 1981 the services of private respondent Jongko were terminated by ANECO and Jongko filed her petition for prohibition and mandamus against ANECO with the Court of First Instance of Agusan del Norte and Butuan City praying for reinstatement with back salary (without asking for damages), the applicable law was Article 217 of the Labor Code, as amended on August 21, 1980 by Batas Pambansa 130 giving labor arbiters exclusive jurisdiction over all money claims of workers (including those based on non-payment of wages and other benefits provided by law) as well as all other claims arising from employer-employee relations, including moral and other forms of damages.

And when Jongko filed on June 14, 1982 her amended petition praying not only for reinstatement and backwages but also moral and exemplary damages, the law applicable was the same Article 217 of the Labor Code, as amended by Batas Pambansa 227 effective June 1, 1982, under which "all money claims of workers including those based on non-payment... of wages... and other benefits provided by law" were still under the exclusive jurisdiction of labor arbiters, inclusive of illegal dismissal cases with prayer for reinstatement, backwages and damages, notwithstanding the fact that Batas Pambansa 227 deleted the basket clause in Article 217 of the Labor Code which previously gave labor arbiters jurisdiction over "all other claims arising from employer-employee relations." For as observed by this Court in *Ebon vs. De Guzman*, 113 SCRA 52 at 56 -

"The provisions... that the Labor Arbiters and the NLRC have jurisdiction over 'all money claims of workers x x x'...are comprehensive enough to include claims for moral and exemplary damages of a dismissed employee against his employer." (See also *Getz Corp. (Phil.), Inc.* 116 SCRA 86.)

Therefore, when the court a quo denied petitioners' motion to dismiss the illegal dismissal case instituted by private respondent, it resolved to take cognizance of a case over which it had no jurisdiction.

WHEREFORE, the petition is granted. Respondent judge or his successor is directed to dismiss Civil Case 410 without prejudice to the right of private respondent to re-file her claim with the proper labor arbiter. No costs.

SO ORDERED.

Teehankee, (Chairman), Melencio-Herrera, Relova, and Gutierrez, Jr., JJ., concur.

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