

DRA. REMEDIOS ORTALIZ-LAMAYO, PETITIONER, VS. FELIZARDO G. BATERBONIA, IN HIS CAPACITY AS REGIONAL DIRECTOR, MINISTRY OF LABOR AND EMPLOYMENT, REGION VI, BACOLOD CITY, NEGROS OC...

G.R. No. 71552. August 30, 1988

Ponente: MEDIALDEA, J.

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MEDIALDEA, J.:

This is a special civil action for certiorari and Prohibition with Prayer for Preliminary Injunction and/or Restraining Order, seeking to set aside as null and void the order of public respondent Director Felizardo G. Baterbonia, dated July 19, 1985, directing a Writ of Execution against petitioner to satisfy the money claim of private respondents Elpidio Manilla and 24 others, and to enjoin respondent sheriffs from proceeding with the writ of execution.

The pertinent facts of the case are as follows:

Petitioner Dra. Remedios Ortaliz-Lamayo was appointed on February 27, 1973 as co-administratrix of the Intestate Estate of Jose Ortaliz specifically Hda. San Antonio De Padua, with the Judicial Administratrix, Elena Ortaliz, surviving spouse (who has since remarried and is now Mrs. de Lima). Petitioner's appointment was for the sole purpose of selling the hacienda, the proceeds of the sale to be applied to the payment of the "indebtedness of the estate with the Manila Banking Corp., taxes due, and all other outstanding debts and obligations of the estate". The hacienda was subsequently sold on March 25, 1980 to Molave Agro Business Corp. Private respondents, who are former laborers of the hacienda, were dismissed on April 1, 1980.

On June 13, 1980, private respondents filed a complaint with the Ministry of Labor and Employment (MOLE) against "J. Ortaliz & Sons/Dra. Remedios Ortaliz-Lamayo (Had. San Antonio de Padua)" (LRD Case No. SI-7427-80, MOLE, Reg. VII, Bacolod City) for unpaid amelioration bonus, unpaid 13th month pay, underpayment, unpaid termination pay, and unpaid incentive pay, for the period covering 1977-79.

On August 16, 1980, petitioner filed her Answer to the Complaint, maintaining that respondent laborers had no cause of action against her since she never managed or administered Hacienda San Antonio de Padua, where respondents claimed to be laborers, the hacienda being a part of the Intestate Estate of the late Jose A. Ortaliz.

No settlement was reached at the conciliation proceedings. Instead of referring the matter to the Labor Arbiter for reception of evidence, pursuant to Rule 12, Sec. 3, Bk. V, 1979 Labor Code, viz:

"Sec. 3. Contents of certification. - If no settlement is reached, the Regional Director shall certify the case to the appropriate Labor Arbiter. The certification must contain the names and addresses of the parties and a summary of the issues involved. Such certification must be endorsed to the Labor Arbiter immediately."

the then Asst. Director Dante G. Ardivilla of the MOLE, Bacolod City, issued an Order dated September 17,

1980, ordering the payment of separation pay, amelioration bonus covering 1977 to 1979, 13th month pay for 1978 and 1979, and incentive pay, there being "no iota of evidence to prove non-relationship with employer". (p. 30, Rollo)

On October 8, 1980, petitioner asked for a reconsideration of the September 17 Order, pointing out that private respondents Manilla and his companions were actually laborers of Franklin and Antonio L. Ortaliz, (sons of J. Ortaliz) who had earlier leased the Estate's property from the Judicial Administratrix, Elena L. Ortaliz, per Contracts of Lease dated July 1, 1974 and October 14, 1977, respectively, and that there was abuse of discretion on the part of the Asst. Director in not certifying the matter to the Labor Arbiter. Instead of resolving the motion, the Regional Director treated the same as an appeal, forwarding the records to the Minister of Labor and Employment, who through Dep. Minister Vicente V. Leogardo, Jr., subsequently affirmed the order on January 3, 1983, the dispositive portion of which provides as follows:

"It appears that respondent Dra. Remedios Ortaliz Lamayo was given all the opportunity to be heard and to submit evidence in her behalf to controvert the claims of the complainants, which are supported by documentary evidence, but she failed to avail herself of such opportunity. She alleges that the real parties respondents in this case are the lessees of the Hacienda, Franklin Ortaliz and Antonio Ortaliz, but she did not present any lease contract to prove that point. All that she submitted below was an Answer to the complaint, containing allegations of fact without supporting proof.

WHEREFORE, the Order appealed from is hereby affirmed and the instant appeal dismissed.

SO ORDERED." (pp. 37 & 38, Rollo)

Petitioner filed a Motion for Reconsideration on March 2, 1983, reiterating the failure of the Asst. Regional Director to certify her case for arbitration by the NLRC, as provided for in Sec. 3, Rule 12, Bk. V of the Implementing Rules (1979 Code). The motion was denied for lack of merit on January 1, 1984.

Earlier, on November 17, 1980, while awaiting decision on their labor case, respondents filed a contingent claim with the Intestate Estate of Jose Ortaliz. The Probate Court, however, denied the claim for having been filed beyond the reglementary period. The Estate had, in fact, been distributed to the heirs, on motion of petitioner, on June 26, 1980, and the Intestate Estate proceedings subsequently ordered closed and terminated on December 22, 1980.

On June 17, 1985, Asst. Regional Director Domingo Zapanta issued an order directing petitioner to pay respondents the total amount of P43,530.00, representing private respondents' claims. On July 3, 1985, petitioner sought a reconsideration of the aforesaid Order, disclaiming personal liability and alleging that in view of the sale of the Estate, the Order sought to be enforced had become moot and unenforceable. On July 19, 1985, public respondent Regional Director Felizardo G. Baterbonia issued the disputed Order denying the Motion for lack of merit and issuing the writ of execution, thus:

"WHEREFORE, in view of all the foregoing, the Motion for Reconsideration as prayed for by the respondent is hereby denied for being bereft of legal basis and forthwith a writ of execution be issued." (p. 59, Rollo)

On August 5, 1985, this petition for certiorari under Rule 65 was filed, assailing public respondent's Order dated July 19, 1985. On September 18, 1985, this court issued a Restraining Order against the enforcement of the Writ of Execution. On December 10, 1986, it issued a Resolution dismissing the Petition for Certiorari. Upon motion of petitioner, the Court, on February 18, 1987, reconsidered its dismissal order and required the parties to submit their respective memoranda.

The only issue in this case is whether or not public respondent committed a grave abuse of discretion tantamount

to lack of jurisdiction when it issued a writ of execution in LRD Case #SI-7427-80, against Petitioner.

On June 13, 1980, when the private respondents filed their Complaint against petitioner, the original and exclusive jurisdiction was vested in Labor Arbiters to hear and decide inter alia "(1) all money claims of workers, including those based on non-payment or underpayment of wages, overtime compensation, separation pay and other benefits provided by law or appropriate agreement, except claims for employees compensation, social security, medicare and maternity benefits, and (2) all other claims arising from employer-employee relations, unless expressly excluded by ** (the) Code." (Art. 217, Labor code, as amended by PD 1691, effective May 1, 1980, cited in *Oreshoot Mining Company vs. Hon. Dioscora C. Arellano, Director*, R.O. No. IV, MOLE, Hon. Vicente Leogardo, Jr., Deputy Minister, MOLE, The Actg. Sheriff, R.O. No. IV, MOLE, Rodrigo Baaco, Manuel Rodriguez, Melchor Gumpal, et al., G.R. No. 75746-48, December 14, 1987)

It is thus clear in the present case that public respondent, Regional Director Felizardo G. Baterbonia was without competence or jurisdiction to hear and decide respondents' claims, as consistently claimed by petitioner below and in her petition (p. 11, Rollo); hence, the proceedings had thereon were null and void ab initio for lack of jurisdiction. Consequently, the writ of execution, issued by him, is likewise a nullity.

Assuming, on the other hand, that the writ of execution was validly issued, the same would still not be enforceable against the estate and/or petitioner as Special Administratrix. The intestate estate's liability for respondents' claims would, in such a case, stem from the alleged failure of petitioner to disprove employer-employee relationship. However, private respondents had filed a contingent claim with the Probate Court on November 17, 1980. Unfortunately, the Probate Court disallowed the claim on December 22, 1980, since it was filed beyond the reglementary period for filing of claims aside from the fact that there had been final distribution of the estate's assets on June 22, 1980. In fact, the proceedings were ordered terminated on the same date the claims were denied.

Since the estate was no longer in existence, petitioner, likewise ceased to be an administratrix, and, in such a case, the order for the issuance of the writ for execution is deemed moot and academic:

"x x x An administratrix is merely a legal entity which has no existence apart from the order of the court creating the office, and when the administration is closed, and the Office of the Administrator is abolished, the defendant in the execution becomes non-existent." (*Espino vs. Rivero*, 51 Phil. 159).

Private respondents' claims should have properly been directed against the estate's lessees -- Frank and Antonio Ortaliz, who upon being impleaded in the resolution of the Court dated September 18, 1985, have admitted the existence and execution of their Contracts of Lease over subject estate. (Comments, p. 146, Rollo) However, as correctly contended by them, private respondents' claims are now barred under Art. 217 of the Labor Code, which limits the filing of money claims, arising from employer-employee relationship to a three-year period from the time the cause of action accrued.

WHEREFORE, the writ of certiorari is GRANTED, and the Order in LRD Case No. SI-7427-80, dated July 19, 1985, for the issuance of a Writ of Execution is hereby REVERSED and SET ASIDE. No pronouncement as to costs.

SO ORDERED.

Narvasa, Cruz, Gancayco, and Aquino, JJ., concur.

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