

SSK PARTS CORPORATION, PETITIONER, VS. TEODORICO CAMAS AND SECRETARY OF LABOR & EMPLOYMENT, RESPONDENTS.

G.R. No. 85934. January 30, 1990

Ponente: GRIÑO-AQUINO, J.

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GRIÑO-AQUINO, J.:

This is a petition for review on certiorari of the decision dated November 16, 1988 of the Department of Labor and Employment, affirming the Order of the Regional Director dated January 11, 1988 in three consolidated cases filed against the petitioner: (1) by Teodorico Camas for illegal deductions; (2) for underpayment of wages, non-payment of legal holiday pay and service incentive leave filed by the union in behalf of its members; and (3) for non-payment of employees' service incentive leave, underpayment of allowance, overtime pay, premium pay, and non-payment of two (2) regular holidays in December which were discovered upon routine inspection conducted by the labor regulation officers.

After the parties had submitted their position papers and evidence, the Regional Director issued an order on January 11, 1988, the dispositive portion of which reads thus:

"WHEREFORE, premises considered, an Order is hereby entered:

"a) Ordering respondent [herein petitioner] to refund to complainant Teodorico Camas the amount of Seven Hundred and Seventy Five Pesos (P775.00) having been illegally deducted from his salaries; and

"b) Ordering respondent to pay individual claimants in the second case their unpaid overtime pay, legal holiday pay, living allowance and service incentive leave within ten (10) days from receipt hereof, otherwise a writ of execution shall be issued for the enforcement of this Order." (p. 92, Rollo.)

Petitioner's appeal to the Secretary of Labor was dismissed by the latter. Hence, this petition for certiorari in which the petitioner alleges:

1. that the Regional Director has no jurisdiction over its employees' claims; and
2. that it (petitioner) was denied due process.

The petition is devoid of merit. The jurisdiction of the Regional Director over claims for violation of labor standards is conferred by Article 128-B of the Labor Code, as amended by Executive Order No. 111 of March 26, 1987 which provides that:

"(b) The provisions of Article 217 of this Code to the contrary notwithstanding and in cases where the relationship of employer-employee still exists, the Minister of Labor and Employment or his duly authorized representatives shall have the power to order and administer, after due notice and hearing, compliance with the labor standards provisions of this Code and other labor legislation based on the findings of labor regulation officers or industrial safety engineers made in the course of inspection, and to issue writs of execution to the appropriate authority for the enforcement of their orders, except in cases where the employer contests the findings of the labor regulation officer and raises issues which cannot be resolved without considering

evidentiary matters that are not verifiable in the normal course of inspections." (Underscoring supplied.)

The jurisdiction of the Regional Director over employees' claims for wages and other monetary benefits not exceeding P5,000 has been affirmed by Republic Act No. 6715, amending Article 129 of the Labor Code as follows:

"Art. 129. Recovery of wages, simple money claims and other benefits. — Upon complaint of any interested party, the Regional Director of the Department of Labor and Employment or any of the duly authorized hearing officers of the Department is empowered, through summary proceeding and after due notice, to hear and decide any matter involving the recovery of wages and other monetary claims and benefits, including legal interest, owing to an employee or person employed in domestic or household service or househelper under this Code, arising from employer-employee relations: Provided, that such complaint does not include a claim for reinstatement: Provided, further, That the aggregate money claims of each employee or househelper do not exceed five thousand pesos (P5,000.00). The Regional Director or hearing officer shall decide or resolve the complaint within thirty (30) calendar days from the date of the filing of the same."

Being a curative statute, Republic Act No. 6715 may be given retroactive effect if, as in this case, no vested rights would be impaired (*DBP vs. Court of Appeals*, 96 SCRA 342; *Santos vs. Duata*, 14 SCRA 1041; *Briad-Agro Dev. Corp. vs. De la Serna, et al.*, G.R. No. 82805, Nov. 9, 1989).

Under the exception clause in Article 128(b) of the Labor Code, the Regional Director may not be divested of his jurisdiction over these claims, unless three (3) elements concur, namely: (a) that the petitioner (employer) contests the findings of the labor regulation officer and raises issues thereon; (b) that in order to resolve such issues, there is a need to examine evidentiary matters; and (c) that such matters are not verifiable in the normal course of inspection.

In this case, although the petitioner contested the Regional Director's finding of violations of labor standards committed by the petitioner, that issue was resolved by an examination of evidentiary matters which were verifiable in the ordinary course of inspection. Hence, there was no need to indorse the case to the appropriate arbitration branch of the National Labor Relations Commission (NLRC) for adjudication (Sec. 2, Rules Implementing Executive Order 111).

The petitioner's allegation that it was denied due process is not well taken. The petitioner actively participated in the proceedings a quo by filing its answer to the complaint, presenting a position paper to the Regional Director, submitting evidence in support of its claim, and appealing the decision of the Regional Director to the Secretary of Labor. Each of those steps was a part and parcel of its right to due process. As the petitioner had all those opportunities to be heard, it may not complain that it was denied due process (*People vs. Retamia*, 95 SCRA 201; *Divine Word High School vs. NLRC*, 143 SCRA 346; *Municipality of Daet vs. Hidalgo Enterprises, Inc.*, 138 SCRA 265).

WHEREFORE, the petition for certiorari is dismissed for lack of merit.

SO ORDERED.

Narvasa, (Chairman), Cruz, Gancayco, and Medialdea, JJ., concur.

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