

LOLITA B. JAVIER, IN HER OWN BEHALF AND AS GUARDIAN OF HER SIX MINOR CHILDREN, PETITIONER, VS. HONORABLE COURT OF APPEALS JEBSENS MARITIME, INC., AND FIDEL E. DIÑOSO, RESPONDENTS.

G.R. No. 96617. October 14, 1992

Ponente: NOCON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-96617/>

NOCON, J.:

This is a petition for review on certiorari to annul and set aside the decision dated June 13, 1990 of the Court of Appeals[1] dismissing Civil Case No. 88-976 for lack of jurisdiction as well as the Resolution dated December 18, 1990[2] denying petitioners' Motion for Reconsideration in the assailed decision.

It appears on record that on December 3, 1986, Normito Javier, the husband of petitioner Lolita Javier, was employed by private respondent JebSENS Maritime, Inc. as a boatswain for its vessel M/V "General Campos".

At around 9:10 p.m., September 23, 1987, the shipmaster, private respondent Fidel Diñoso, ordered Javier to prepare the pilot ladder on the vessel's starboard side. While about his task, a sudden swell hit the vessel and, as a result, Javier, who did not have his life jacket on, fell into the deep sea waters off Corona, Spain. A search and rescue operation initiated by private respondent failed to yield Javier.

On October 1, 1987, some fishermen found the lifeless body of petitioner's husband in La Corona, Spain where he was buried on October 3, 1987 without the knowledge and consent of the petitioner and her six (6) minor children. Thereafter, petitioner learned from a fellow crew member of said vessel about the untimely death of her husband.

Acting on said information, petitioner went to private respondent company and the latter promised to give the corresponding death benefits for the untimely death of her husband.

However, upon the failure of the private respondent company to pay the promised death benefits to the petitioner, the latter on May 30, 1988, filed a complaint for herself and on behalf of her six (6) minor children, against private respondents with the Regional Trial Court of Makati, Branch 145 in Civil Case No. 88-976 for a sum of money.

While said case was still on trial, private respondents changed their counsel who, instead of continuing with the trial of this case, filed on January 24, 1989, a Motion to Dismiss and/or Expunge on the ground of lack of jurisdiction by the trial court over the subject matter as said case falls within the original and exclusive jurisdiction of the Philippine Overseas Employment Administration (POEA) which was denied on January 31, 1989 in an Order issued by the trial court, the dispositive portion of which reads as follows:

"WHEREFORE, defendants' motion to dismiss etc. is hereby denied. The previous setting on February 20 and 27, 1989, are hereby maintained."[3]

On February 20, 1989, private respondents and their counsel failed to appear and the trial court issued an Order[4] declaring them as having waived their right to cross-examine the petitioner.

Consequently, private respondents filed a Motion for Reconsideration on February 24, 1989 which was denied in an Order[5] issued on February 27, 1989.

On May 30, 1989, private respondents filed with the Court of Appeals a Petition for certiorari and prohibition with a prayer for preliminary injunction against petitioner which was granted by the appellate court in its decision promulgated on June 13, 1990, the dispositive portion of which reads as follows:

"WHEREFORE, judgment is hereby rendered (a) GRANTING the Petition; (b) ENJOINING respondent Judge from further taking cognizance of Civil Case No. 88-976 and directing him to desist from further proceeding therewith; (c) ANNULING the proceedings had before the court a quo; and, (d) ORDERING respondent Judge to dismiss Civil Case No. 88-976 for lack of jurisdiction, without prejudice to the filing of the appropriate action by private respondent in the proper forum." [6]

On July 2, 1990, petitioner filed a Motion for Reconsideration which was denied in a Resolution promulgated on December 18, 1990.

Hence, petitioner instituted this petition for certiorari alleging that the regular court has jurisdiction to hear and decide claim for damages under the Civil Code even if the case involved arose from an employer-employee relationship.

Section 3(d) of Executive Order No. 247, promulgated on July 24, 1987 provides that the POEA shall:

"(d) Exercise original and exclusive jurisdiction to hear and decide all claims arising out of an employer-employee relationship or by virtue of any law or contract involving Filipino workers for overseas employment including the disciplinary cases; x x x."

Under the aforementioned provision all claims, whether money claims and/or claims for contractual benefits of any nature, involving an employer-employee relationship would necessarily and properly fall within the exclusive jurisdiction of the POEA. In the instant case, petitioner's husband, who died while in the performance of his official duty, is admittedly an employee of the private respondent company and jurisdiction should therefore be vested upon the POEA since a case cannot have a civil aspect cognizable by the regular court and at the same time a labor aspect cognizable by the labor tribunal. To rule otherwise would result in a multiplicity of suits which is frowned upon by this Court. As correctly held by the respondent appellate court in its Resolution to petitioner's Motion for Reconsideration:

"Where jurisdiction is conferred in express terms upon one court, and not upon another, it has been held that it is the intention that the jurisdiction conferred shall be exclusive (21 C.J.S., p. 730). Under the sense-making and expedient doctrine of primary administrative jurisdiction, "x x x the courts cannot or will not determine a controversy involving a question which is within the jurisdiction of an administrative tribunal prior to the decision of that question by the administrative tribunal, where the question demands the exercise of sound administrative discretion requiring the special knowledge, experience, and services of the administrative tribunal to determine technical and intricate matters of fact, and a uniformity of ruling is essential to comply with the purposes of the regulatory statute administered" (42 Am. Jur., 698, cited in *Pambayan Sur United Mine Workers v. Samar Mining Co., Inc.*, 94 Phil. 941 [1954]). In this era of clogged court dockets, the need for specialized administrative boards or commissions with the special knowledge, experience and capability to hear and determine essentially factual matters, subject to judicial review in case of grave abuse of discretion, has become well-high indispensable x x x " (*Malayan Integrated Industries Corp. v. Mendoza*, G.R. No. 75238, Sept. 30, 1987, 154 SCRA 548)."[7]

Petitioner's contention that private respondents are estopped from assailing the jurisdiction of the trial court considering that the latter had actively participated in the proceedings before said court is unavailing since private respondents had raised the question of jurisdiction in the trial court. The doctrine of estoppel cannot be properly invoked by the petitioner despite the participation of the private respondents at the initial stages of the trial proceedings as the issue of jurisdiction may be raised at anytime and at any stage of the action. Thus, this Court has held that:

"x x x The determination of the correct jurisdiction of a court is not a simple matter. It can raise highly debatable issues of such importance that the highest tribunal of the land is given the exclusive appellate jurisdiction to entertain the same. The point simply is that when a party commits error in filing his suit or proceeding in a court that lacks jurisdiction to take cognizance of the same, such act may not at once be deemed sufficient basis of estoppel. It could have been the result of an honest mistake, or of divergent interpretations of doubtful legal provisions. If any fault is to be imputed to a party taking such course of action, part of the blame should be placed on the court which shall entertain the suit, thereby lulling the parties into believing that they pursued their remedies in the correct forum. Under the rules, it is the duty of the court to dismiss an action 'whenever it appears that the court has no jurisdiction over the subject matter.' (Sec. 2, Rule 9, Rules of Court) Should the Court render a judgment without jurisdiction, such judgment may be impeached or annulled for lack of jurisdiction (Sec. 30, Rule 132, Ibid), within ten (10) years from the finality of the same. (Art. 1144, par. 3, Civil Code)"[8]

"It is well settled that the decision of a tribunal not vested with appropriate jurisdiction is null and void."[9]

WHEREFORE, finding no irreversible error in the decision of the respondent Court of Appeals, this petition for certiorari is hereby DENIED for lack of merit.

SO ORDERED.

Narvasa, C.J., (Chairman), Feliciano, Regalado, and Campos, Jr., JJ., concur.

[1] Rollo, pp. 31-34. Ponente: Justice Josue N. Bellosillo with the concurrence of Justice Alfredo M. Marigomen and Justice Alicia V. Sempio-Diy.

[2] Id., at pp. 36-38.

[3] Ibid.

[4] Id., at p. 51.

[5] Id., at p. 52.

[6] Id., at p. 34.

[7] Id., at p. 37.

[8] Calimlim vs. Ramirez, 118 SCRA 399 [1982].

[9] Dy vs. National Labor Relations Commission, 145 SCRA 211 (1986).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.