"DOES THE SUPREME COURT MAKE FREQUENT MISTAKES?"

By JOSE A. PERELLO
Member, Philippine Bar

A law professor had just winded up a lengthy discourse on the doctrine of *stare decisis* before a freshman law class when one of the students asked him:

"Sir, does the Supreme Court make frequent mistakes?"

Having newly become familiar with the doctrine, the young man was frankly worried about the consequences should the highest tribunal of the land make erroneous but precedent-setting decisions.

After a pause, the professor replied in carefully measured words:

"Well, it does make mistakes — *errarum humanum est*. Of course, when the Supreme Court realizes its errors, it does rectify them, for, as Justice Malcolm said, "More important than anything else is that the court should be right."

One may imagine, though, how many judges and lawyers in subsequent similar cases would be misled while such errors last, how much rights would be prejudiced and how much time and money of the litigants, the government, and all other concerned would be wasted in following erroneous decisions.

This brings to our mind the promulgation in recent years of certain conflicting decisions that could hardly serve as guideposts in our forest of laws and jurisprudence.

On August 31, 1956, the Supreme Court held that the Court of Industrial Relations has jurisdiction over cases where the controversy refers to minimum wage under the Minimum Wage Law, or when it involves hours of employment under the Eight-Hour Labor Law. *Paflu vs. Tan, G.R. No. L-9115*, 52 *O.G.* 5835.

On May 31, 1957, the Supreme Court held that the Court of Industrial Relations has jurisdiction over claims for payment of additional compensation for work performed on Sundays and holidays, for night work, and for vacation and sick leave pay. *Detective and Protective Bureau, Inc. vs. Felipe Guevara, G. R. No. L-8738*.

On October 31, 1957, the Supreme Court held that the Court of Industrial Relations has jurisdiction over cases involving claims for conversion of wages from hourly to daily basis, overtime pay on Sundays and legal holidays, vacation and sick leave pay, payment of medical and hospitalization bills, and payment of their wages during a strike, if such strike had to be declared due to the refusal of the company to consider their demands. *Isaac Peral Bowling Alley vs. United Employees Association, G. R. No. L-9831*.

On December 28, 1957, the Supreme Court held that it is the Court of First Instance and not the Court of Industrial Relations which has jurisdiction over claims for payment of overtime wages, because such claims do not involve hours of employment under Commonwealth Act No. 444. *Mindanao Bus Employees Labor Union vs. Mindanao Company, et al., G. R. No. L-9795*.

On April 30, 1958, the Supreme Court held that where the action was simply for the collection of unpaid salaries and wages alleged to be due for services rendered and no labor dispute appears to be involved, and petitioners do not seek reinstatement, the Court of Industrial Relations does not have jurisdiction over the case but the Court of First Instance. *Roman Catholic Archbishop of Manila vs. Yanson, G. R. No. L-12341*.

On April 30, 1958, the Supreme Court, in Elizalde & Co., Inc. vs. Yanson, et al., G.R. No. L-12345, reiterated the above doctrine.

On August 18, 1958, the Supreme Court held that it was the Court of Industrial Relations, and not the Court of First Instance, which has jurisdiction to hear and decide claims for overtime compensation and for separation pay. Said the Supreme Court:

> "It is clear from the foregoing that the Court of First Instance has jurisdiction only over controversies involving violations of the Minimum Wage Law. The instant action, however, was for the collection of *overtime compensation* under the Eight-Hour Labor Law (Com. Act 444) and for *separation pay*, and that actions of this nature shall be brought before a court of competent jurisdiction. In this respect, it has been held by this Court that with the enactment of the Industrial Peace Act (Rep. Act 875), cases involving hours of *employment under the Eight-Hour Labor Law specifically fall within the jurisdiction of the Court of Industrial Relations* (Philippine Association of Free Labor Unions-PAFLU vs. Tan G.R. No. L-9115, promulgated August 31, 1956; Reyes vs. Tan, G.R. No. L-9137, promulgated August 31, 1956; Cebu Port Labor Unions vs. States Marine Corporation, G.R. No. L-9350, promulgated May 20, 1957)". *Gomez vs. North Camarines Lumber Co., G. R. No. L-11945*.

In this case, petitioner Raymundo Gomez was no longer employed by the respondent company and did not ask for reinstatement.

On November 28, 1958, the Supreme Court held that it is the Court of Industrial Relations and not the Court of First Instance, which has jurisdiction to hear and determine claims for overtime compensation and for work done on Sundays and holidays and at night. The petitioner in this case was actually in the employment of the respondent company. *NASSCO vs. ALMEN et al. G. R. No. L-9055*.

On April 29, 1959, the Supreme Court ruled that the Court of First Instance — and not the Court of Industrial Relations, — which has jurisdiction over claims for the differential and overtime pay of claimants who were former employees of respondent company. *CHUA WORKERS UNION vs CITY AUTOMOTIVE COMPANY, et al., G.R. No. L-11655*.

On May 29, 1959, the Supreme Court held that the Court of Industrial Relations and not the Court of First Instance, which has jurisdiction over a case where the claimant seeks payment of differential and overtime pay and reinstatement. *MONARES vs. CNS ENTERPRISES, et al., G.R. No. L-11749*.

On April 29, 1960, the Supreme Court held that the Court of Industrial Relations, and not the Court of First Instance, which has jurisdiction over the controversy of 39 employees of the respondent company for payment for work in excess of eight hours including Sundays and legal holidays and nighttime work, since it is practically a labor dispute that may lead to conflict between the employees and management. The Supreme Court fur-

ther stated that "if the claimants were not actual employees of the NASSCO, as for example, they have severed their connection with it or were dismissed but do not insist in reinstatement, the claim for overtime compensation would become simply a monetary demand properly cognizable by the regular courts and not by the Court of Industrial Relations." *Nassco vs. Court of Industrial Relations, G. R. No. L-13888.*

On May 23, 1960, the Supreme Court, after making an analysis of all the conflicting decisions on the question of jurisdiction over claims for overtime compensation, laid the following doctrine:

> "Where the employer-employee relationship is still existing or is sought to be established because of its wrongful severance (as where the employee seeks reinstatement), the Court of Industrial Relations has jurisdiction over all claims arising out of, or in connection with the employment, such as those related to the Minimum Wage Law and the Eight-Hour Labor Law. After the termination of the relationship and no reinstatement is sought such claims become mere money claims, and come within the jurisdiction of the regular courts." *Prisco v. C.I.R. et al., G.R No. L-13806.*

During the Commonwealth regime, there were conflicting doctrines of the Supreme Court, but this was due to the fact that the Supreme Court had been acting then *in division* and, quite inevitably, the ruling of one division conflicted with those of the other divisions on similar question. This was not frequent, however. It was precisely to remedy this situation that the delegates of the Constitutional Convention adopted the present provision in the Constitution enjoining the Supreme Court to always sit *en banc* when deciding cases. Similarly, it was the practice of the Supreme Court during the Commonwealth regime to distribute amongst its justices the cases for decision, with each justice thereafter making an individual study of the case assigned to him and submitting his findings and conclusions therein to the whole division or to the Court *en banc*. This practice provoked the criticism, founded or otherwise, that the resultant decision purportedly of the Supreme Court was in reality a one-justice decision. To remedy the situation, the Constitutional Convention provided in Sec. 11 Article VIII of the Constitution of the Philippines that —

> "The conclusion of the Supreme Court in any case submitted to it for decision shall be reached in consultation *before* the case is assigned to a justice for the writing of the opinion of the court."

If the Supreme Court had followed this constitutional mandate and the legal presumption is that it did, then perforced the aforecited doctrines were reached by its justices in consultation with each other.

As is obvious, the aforecited doctrines of the Supreme Court on the court which has jurisdiction over claims of separation pay, overtime pay, and allied subjects, hold diametrically opposing views, and it is not too difficult to see that they cannot all be correct. Hence, it is not surprising if our young law student's apprehension about the hosts of judges and lawyers of litigants who must have been confused and misled thereby, the precious time and money that must have been wasted in the process of searching just for the right court, should come to pass. Indeed, an illustrative actual case in point which demonstrates the adverse ill-effects of shifting doctrines on litigants haplessly caught in its wake is the case of "Stanley Winch, petitioner, versus P. J, Keiner Co., Ltd., respondent, G.R. No. L-17655." This case involves a claim for overtime pay, vacation leave pay, and separation pay claimed by petitioner as a result of his illegal dismissal which took place on April 19, 1955. It was commenced on November 4, 1955, in the Department of Labor later substituted by the Wage Administration Service (WAS). As the proceeding in the WAS was very much delayed, petitioner decided to file the corresponding complaint in the Court of First Instance of Manila and notified the WAS of the withdrawal of his claim. However, the WAS dismissed the claim with prejudice.

On July 6, 1956, petitioner filed with the Court of First Instance of Manila the corresponding complaint based on the claim presented to WAS and docketed as Civil Case No. 30132. The complaint, however, upon motion of the respondent company that the same is barred by a prior judgment (referring to the order of dismissal of the WAS), was dismissed by the court. On appeal, however, the Supreme Court set aside the dismissal and remanded the case to the lower court for further proceedings. The case, however, was not heard on its merits because the respondent company again filed another motion to dismiss the complaint on the ground that the Court of First Instance of Manila has no jurisdiction over the subject matter and despite petitioner's opposition, the court issued its order dated March 5, 1959 dismissing the case, basing its resolution on the doctrine of the Supreme Court in the case of "Gomez v. North Camarines Lumber Co., Inc," G.R. No. L-11945, promulgated on August 18, 1958, holding that claims for collection of overtime compensation and separation pay pertain to the jurisdiction of the Court of Industrial Relations. (supra)

In view of said dismissal and doctrine of the Supreme Court, petitioner had no alternative but to reproduce his complaint before the Court of Industrial Relations, which he did on April 13, 1959 and the same was docketed as C.I.R. Case No. 1937-V. But the respondent company again filed a motion to dismiss the complaint on the ground that the Court of Industrial Relations has no jurisdiction over the case invoking this time the case of "Chua Workers' Union (N.L.U.) vs. City Automotive Company, G.R. No. L-11655, promulgated on April 29, 1959, where the Supreme Court decreed that claims for collection of differential and overtime pay belong to the jurisdiction of the regular courts (*supra.*) Petitioner opposed this motion, invoking the doctrine of the Supreme Court in the case of Monares vs. CNS Enterprises," G. R. No. L-11749, promulgated on May 29, 1959, declaring that claims for recovery of differential and overtime pay, reinstatement and damages fall within the jurisdiction of the Court of Industrial Relations.

In its order dated June 25, 1960, three judges held that the CIR has no jurisdiction over the case citing the case of NASSCO vs. CIR, supra; another judge ruled that the CIR has no jurisdiction and cited the case of Price Stabilization Corp. vs. CIR supra; and another judge held that the CIR has jurisdiction citing the cases of Monares vs. CNS Enterprises, and Gomez v. North Camarines Lumber Co., supra. Curiously enough, however, after declaring itself without jurisdiction over the case, the Court of Industrial Relations also ruled that petitioner's action has already prescribed after the lapse of four years from the accrual of his cause of action.

Petitioner then brought the case to the Supreme Court on appeal by certiorari, but this Court dismissed the petition "for lack of merit".

To cap it all, when petitioner's lawyer tried again to renew petitioner's action before the CFI of Manila, it was found out that respondent (Kiener) had closed down business in the Philippines and returned to the United States.

Upon being informed of the result of the case by his lawyer, said petitioner sharply remarked, "After my case has been footballed from one court to another to the tune of changing rulings, now the court ruled that I have lost my right to bring action to recover overtime pay, vacation leave pay, sick leave pay, and separation pay because more than four years have elapsed. But all these four years were consumed in footballing my case from one court to another. Why should I be held responsible for it? What kind of justice is this?"

Truly, only when we cease to be human and have lost all sense of fairness can we fail to understand the bitterness of this poor litigant.