Relations. It is necessary also that the case be one of the four enumerated cases as amplified in the Campos case. Here, a reading of the allegations of the complaint shows that while plaintiff-appellant seeks her reinstatement in the company, nothing is alleged therein to indicate that plaintiff-appellant's dismissal from the service amounted to an unfair labor practice. Neither is it claimed that this is a case certified by the President to the Court of Industrial Relations as involving national interest (Sec. 10, Republic Act No. 875), or a case arising under the Eight-Hour Labor Law (Commonwealth Act No. 444, as amended) or the Minimum Wage Law (Republic Act No. 602.).

For plaintiff-appellant merely seeks her reinstatement with back wages, the recovery of moral and exemplary damages suffered as a result of allegedly malicious criminal actions filed against her at the instance of defendant-appellee; the recovery of her contributions to a pension and savings plan; and the recovery of the money value of her accrued sick leave.

The Court of First Instance of Rizal erred therefore in holding that the case is cognizable by the Court of Industrial Relations and in dismissing the case.

WHEREFORE, the order of August 22, 1960 of the said Court of First Instance is hereby reversed and the trial court is directed to proceed with the trial of this case. No costs.

Bengzon, C.J., Padilla, Bautista Angelo, Concepcion, J.B.L. Reyes, Paredes and Makalintal, JJ., concurred.

Barrera and Dizon, JJ., took no part.

VI

People of the Philippines, plaintiff-appelant vs. Maximino Plaza, defendant-appellee, G. R. No. L-18819, March 30, 1963, Dizon, J.

CRIMINAL PROCEDURE; INFORMATION; AUTHORITY OF THE TRIAL COURT TO ORDER THE FILING OF ANOTHER INFORMATION OR AMENDMENT OF ONE ALREADY FILED.—Assuming that the lower court was right in holding that the facts alleged in the information do not constitute a punishable offense, as far as defendant was concerned, the case should not have been dismissed with respect to him. Instead, pursuant to the provisions of Section 7, Rule 113 of the Rules of Court, the lower court should have given the prosecution an opportunity to amend the information. That under the provisions of said rule the trial court may order the filing of another information or simply the amendment of the one already filed is clearly in accordance with the settled rule in this jurisdiction (U.S. vs. Muyo 2 Phil. 177; People vs. Tan, 48 Phil. 877, 880).

DECISION

Appeal by the State from an order of the Municipal Court of Butuan City dismissing the information filed in Criminal Case No. 2721, as against Maximino Plaza, on the ground that the facts alleged therein do not constitute a criminal offense.

The aforesaid information charge Esperanza Ato de Lamboyog, Capistrano Lamboyog and Maximino Plaza with estafa, alleging:

"That on or about the 6th day of October, 1954, in the City of Butuan, Philippines, and within the jurisdiction of this Honorable Court, the said accused conspiring, cooperating together and helping one another with accused Esperanza Ato de Lamboyog and her husband Capistrano Lamboyog pretending and misrepresenting themselves to be the sole and absolute owners of a real estate situated at Barrio Baan, Butuan City, covered by Tax Declaration No. 3824 (9949 located at Doot, Barrio Ba-an, Butuan City) more particularly described as follows, to wit:

'A parcel of agricultural land bounded on the North by Jose Ato, on the East by Ba-an River, on the South by Pedro Plaza, and on the West by the Agusan River containing an area of 7413 square meters more or less,

when in fact and in truth the above-named accused knew that the said land above described was already sold in a pacto de retro sale dated July 21, 1953, and later on converted the same sale into an absolute sale on September 3, 1953 in favor of Felipe F. Paular, did then and there willfully, unlawfully and feloniously with intent to defraud said Felipe F. Paular knowing that said property has been previously sold to the said Felipe F. Paular in the amount of ₱400.00, both accused entered into agreement whereby the said property above-described was sold by the accused Esperanza Ato de Lamboyog and her aforementioned husband, to his co-accused Maximino Plaza and falsely represented the same property to be free from encumbrance, to the damage and and prejudice of said Felipe F. Paular in the amount of ₱400,00 excluding the improvements thereon.

CONTRARY TO LAW: (Art. 316 of the Revised Penal Code)."

Defendant Plaza filed a motion to quash the information on the grounds that (1) the facts charged do not constitute an offense insofar as he was concerned; (2) that the information charged more than one offense; and (3) that the criminal liability had been extinguished by prescription of the crime. The court found the first ground to be well taken and dismissed the information as against him. Hence this appeal.

A perusal of the information discloses that it charges the three defendants with "conspiring, cooperating together and helping one another etc." to commit the offense charged, while at the same time another portion thereof would seem to imply that the Lamboyog spouses falsely represented to their co-defendant, Maximino Plaza, that the property they were selling to him was free from encumbrance — an allegation justifying the inference that Plaza did not know that the property he was buying had been previously sold to the offended party, Felipe F. Paular. In view of this, we are of the opinion that the real defect of the information is not that the fact alleged therein do not constitute a punishable offense but that its allegations, as to Plaza's participation and possible guilt, are vague.

But even assuming that the lower court was right in holding that the facts alleged in the information do not constitute a punishable offense, as far as defendant Plaza was concerned, the case should not have been dismissed with respect to him. Instead, pursuant to the provisions of Section 7, Rule 113 of the Rules of Court, the lower court should have given the prosecution an opportunity to amend the information. That under the provisions of said rule the trial court may order the filing of another information or simply the amendment of the one already filed is clearly in accordance with the settled rule in this jurisdiction (U.S. vs. Muyo 2 Phil. 177; People vs. Tan, 48 Phil. 877, 880).

WHEREFORE, the order of dismissal appealed from is hereby set aside and the case is ordered remanded to the court of origin for further proceedings in accordance with this decision.

Bengzon, C.J., Padilla, Bautista Angelo, Labrador, Concepcion, J.B.L. Reyes, Barrera, Paredes, Regala and Malintal, JJ.; concurred.

VII

Sergio F. Magulat, petitioner vs. Jacinto Arcilla, respondents et al., G.R. No. L-16602, Feb. 28, 1963, Regala, J.

1. COURT OF INDUSTRIAL RELATIONS; JURISDICTION; NO JURISDICTION FOR RECOVERY OF BASIC AND EXTRA COMPENSATION ON SUNDAYS AND HOLIDAYS WHERE EMPLOYER-EMPLOYEE RELATIONSHIP HAS BEEN TERMINATED.—Since, at the time of the filing of the complaint for the recovery of basic and extra compensation for work done on Sundays and holidays under Section 4 the Eight-Hour Labor Law (Commonwealth Act No. 444, as amended), the employer-employee relationship of the parties had been terminated and there being no petition for reinstatement, the claims of respondents did not come within the jurisdiction

of the Court of Industrial Relations.

2. ID.; ID.; BROAD POWERS REFERS ONLY TO MATTERS, CONTROVERSIES OR DISPUTES AFFECTING EMPLOYERS AND EMPLOYEES.—Section 1, Commonwealth Act No. 103 which respondent invoke, negates their stand for this section makes it plain that the broad grant of powers to the Court of Industrial Relations refers only to matters, controversies or disputes "arising between, and/or affecting employers and employees."

3. ID.; ID.; REQUISITES TO BE COMPLIED WITH IN ORDER TO GIVE THE INDUSTRIAL COURT JURISDICTION OVER A LABOR CASE.—In the case of Campos et al. vs. Manila Railroad Co., et al., G.R. No. L-17905, dated May 25, 1962, it was held that for the jurisdiction of the Court of Industrial Relations to come into play, the following requisites must be complied with: (a) there must exist between the parties an employer-employee relationship or the claimant must seek his reinstatement; and (b) the controversy must relate to a case certified by the President to the Court of Industrial Relations as one involving national interest, or must have a bearing on an unfair labor practice charge, or must arise either under the Eight-Hour Labor Law or under the Minimun Wage Law. In default of any of these circumstances, the claim becomes a mere money claim that comes under the jurisdiction of the regular courts.

DECISION

This is a petition for certiorari to annul the order of the Honorable Baltazar M. Villanueva of the Court of Industrial Relations and the resolution of that Court in banc denying a motion to dismiss filed by petitioner as respondent in Case No. 13-V-Pang., entitled "Jacinto Arcilla" et al., Petitioners v. Sergio F. Naguiat, respondent."

It appears that respondents were former employees of petitioner in his construction business in Angeles, Pampanga. On January 8, 1959, they sued petitioner in the Court of Industrial Relations for the recovery of basic and extra compensation for work done on Sundays and holidays under Section 4 of the Eight-Hour Labor Law (Commonwealth Act No. 444, as amended) during the period 1956-1957.

In his answer, petitioner, among other things, questioned the jurisdiction of the Court of Industrial Relations and raised the issue anew in a motion to dismiss which he subsequently filed, but the Honorable Baltazar M. Villanueva upheld his jurisdiction over the case in an order dated September 19, 1959, relying on our ruling in Monares v. CNS Enterprises, et al., G.R. No. L-11749, May 29, 1959. Petitioner moved for reconsideration of the order but the Court, sitting in banc, affirmed the disputed order in a resolution dated December 1, 1959. Hence, this petition, petitioner contending, among other things, that the Court of Industrial Relations had no jurisdiction over the case.

While this case was pending, this Court clarified its previous rulings on the jurisdiction of the Court of Industrial Relations and held in Price Stabilization Corp. v. Court of Industrial Relations, et al., G.R No. L-13206, May 23, 1960 that —

> "Analyzing these cases the underlying principle, it will be noted in all of them, though not stated in express terms, is that where the employer-employee relationship is still existing or is sought to be reestablished 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 their relationship and no reinstatement is sought, such claims become mere money claims, and come within the jurisdiction of the regular courts.
>
> "We are aware that in 2 cases, some statements implying a different view have been made, but we now hold and declare the principle set forth in the next preceeding paragraph as the one governing all cases of this nature."

Since, at the time of the filing of the complaint, the employer-employee relationship of the parties had been terminated and there being no petition for reinstatement, the claims of respondents Jacinto Arcilla, et al. did not come within the jurisdiction of the Court of Industrial Relations.

In their memorandum in lieu of oral argument, however, respondent ask that we re-examine the doctrine of the Prisco case. They contend that the Court of Industrial Relations was created to afford protection to labor and that Section 1 of Commonwealth Act No. 103 confers broad powers on the Court of Industrial Relations "to consider, investigate, decide, and settle all questions, matters, controversies, or disputes arising between and/or affecting employers and employees or laborers x x x and regulate the relations between them" regardless of the existence of employer-employee relationship between the parties.

There is no merit in the contention. Even Section 1 of the law, which respondents invoke, negates their stand. This section makes it plain that the broad grant of powers to the Court of Industrial Relations refers only to matters, controversies or disputes "arising between, and/or affecting employers and employees."

We find no reason to depart from the ruling in the Prisco case. The doctrine of the Prisco case has been reiterated in a long line of decisions.[1] It is now the rule on the matter. A restatement of this doctrine is found in Campos, et al. v. Manila Railroad Co., et al., G.R. No. L-17905, May 25, 1962, in which We held that for the jurisdiction of the Court of Industrial Relations to come into play, the following requisites must be complied with: (a) there must exist between the parties an employer-employee relationship or the claimant must seek his reinstatement; and (b) the controversy must relate to a case certified by the President to the Court of Industrial Relations as one involving national interest, or must have a bearing on an unfair labor practice charge, or must arise either under the Eight-Hour Labor Law or under the Minimum Wage Law. In default of any of these circumstances, the claim becomes a mere money claim that comes under the jurisdiction of the regular courts.

WHEREFORE, the Order of September 19, 1959 and the resolution of December 1, 1959 of the Court of Industrial Relations are hereby set aside, without pronouncement as to costs.

Bengzon, C.J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, Barrera, Paredes, Dizon and Makalintal, JJ., concurred.

VIII

Juan Andan, et al., petitioners-appellants vs. The Secretary of Labor, et al., respondents-appellees G.R. No. L-18556, March 29, 1963, Labrador, J.

DEPARTMENT OF LABOR; REGIONAL OFFICES; NO JURISDICTION TO CONSIDER MONEY CLAIMS INCLUDING OVERTIME PAY FILED BY LABORERS.—In the cases of Corominas, Jr., et al. vs. Labor Standards Commission, et al., G.R. No. L-14837, Manila Central University vs. Calupitan, et al.,

[1] National Development Co. v. Court of Industrial Relations, et al., G.R. No. L-15422, Nov. 30, 1962; Board of Liquidators, et al. v. Court of Industrial Relations, et al., G.R. No. L-14366, Oct. 31, 1962; Cagalawan v. Customs Canteen, et al., G.R. No. L-16031, Oct. 31, 1961; Sy Huan v. Bautista, et al., G.R. No. L-16115, Aug. 29, 1961; Cuison v. Gaite, G.R. No. L-16611, March 25, 1961; Elizalde Paint & Oil Factory, Inc. v. Bautista, G.R. No. L-15904, Nov. 23, 1960; Sampaguita Pictures Inc., et al. v. Court of Industrial Relations, et al., G.R. No. L-16404, Oct. 25, 1960; Ajax International Corp. v. Saguritan, et al., G.R. No. L-16038, Oct. 25, 1960; New Angat-Manila Trans. Co., et al v. CIR, et al., G.R. No. L-16289, Dec. 27, 1960.