G.R. No. L-15483; Wong Chun vs. Carlim, et al., G:R. No. L-13940 and Balrodgan Co., Ltd. vs. Fuentes, et al., G.R. No. L-15015, jointly decided by the Supreme Court on June 80, 1961, it was held that the provision of Reorganization Plan No 20-A, particularly Sec. 25 thereof, granting regional offices of the Department of Labor original and exclusive jurisdiction to consider money claims including overtime pay, is not authorized by the provisions of Republic Act 997 which creates and grants power to the Reorganization Commission. For this reason regional offices have been declared in a long line of decisions without jurisdiction to consider money claims filed by laborers.

DECISION

This is an appeal from a judgment of the Court of First Instance of Bulacan, the Hon. Ambrosio T. Dollete, presiding, dismissing a petition for prohibition and certiorari filed by petitioners against the respondents-appellees.

On September 18, 1954, respondents-appellees Eugenio Aguirre, Fernando Navarro, Eufemio Ituralde, Aurelio de la Cruz, Eladio Fortez, Menandro de Guzman and Ismael Cruz filed thru the provincial fiscal two (2) separate informations against Asuncion Cruz and Juan Andan, the herein petitioners-appellants, docketed as Criminal Cases Nos. 2099 and 2100 of the Court of First Instance of Bulacan, for violation of the Minimum Wage Law and of the Eight-Hour Labor Law.

After a joint trial the court on September 12, 1958 rendered judgment finding Asuncion Cruz guilty in both cases and sentencing her to pay a fine of ₱250.00 in each case, Juan Andan was acquitted in both cases.

On November 10, 1958, respondents-appellees filed a complaint for unpaid wages against petitioners-appellants with Regional Office No. 3 of the Department of Labor. A motion to dismiss was filed on the ground of **res judicata** and for lack of jurisdiction to try or hear the complaint. This motion was denied by the Hearing Officer. On January 12, 1959, petitioners-appellants filed a motion for reconsideration of the order denying their motion to dismiss. The Hearing Officer denied the motion for reconsideration. After trial a decision dated February 17, 1959 was rendered sentencing the petitioners herein to pay the respondents the sum of ₱18,904.00 for overtime and unpaid wages and the sum of ₱1,890.00 as attorney's fees. On April 6, 1959, petitioners-appellants filed a petition for extension of time to appeal with the office of the Labor Standards, Bureau of Labor, which petition was denied in an order issued by the respondent Hearing Officer, dated April 6, 1959, and who at the same time issued an order directing the issuance of writ of execution.

On April 24, 1959, petitioners filed the petition for Certiorari and Prohibition with Preliminary Injunction in the Court of First Instance of Bulacan. In an order dated June 5, 1959, the said court directed the issuance of a writ of preliminary injunction enjoining the respondents from carrying out the decision of Regional Office No. 3 of the Department of Labor. The writ was issued on August 8, 1950. On January 16, 1961, the lower court rendered the decision dismissing the action. So it also dissolved the writ of preliminary injunction.

In this appeal appellants contend that the lower court erred in:

1. Holding that the defense of **res judicata** cannot be availed of in the proceedings had before Regional Office No. 3 of the Department of Labor; and
2. Holding that said Regional Office No. 3 had jurisdiction to hear and try the complaints filed by the respondents-appellees before it.

On the question of jurisdiction of the Regional Office No. 3 of the Department of Labor, the Court finds and declares that said Regional Office has no jurisdiction to hear and try the complaint filed before it by the appellees. 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., G.R. No. L-15483; Wong Chun vs. Carlim, et al., G.R. No. L-13940 and Balrodgan Co., Ltd. vs. Fuentes, et al., G.R. No. L-15015 jointly decided by the Supreme Court on June 30, 1961, it was held that the provision of Reorganization Plan No. 20-A, particularly Sec. 25 thereof, granting regional offices of the Department of Labor original and exclusive jurisdiction to consider money claims including overtme pay, is not authorized by the provisions of Republic Act 597 which creates and grants power to the Reorganization Commission. For this reason regional offices have been declared in a long line of decisions without jurisdiction to consider money claims filed by laborers. The second assignment of error is therefore sustained.

As regional offices of the Department of Labor have no jurisdiction to consider claims of the respondents-appellees it is unnecessary for us to pass upon the first ground of appeal.

Wherefore the decision appealed from is hereby reversed, the decisions rendered by Regional Office No. 3 are hereby set aside and all proceedings therein in relation to the claims against petitioners as well as the orders issued by said Regional Office No. 3 are hereby declared null and void. With costs against respondents-appellees.

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

Regala, J., took no part.

IX

J.M. Tuason & Co., Inc., et al., Plaintiffs-appellees, vs. Ricardo Baloy, defendant-appellant, G.R. No. L-1627, May 30, 1963, Dizon, J.

RELIEF FROM JUDGMENT; LACK OF ALLEGATIONS OF FACTS IN AFFIDAVIT TO PROVE EITHER FRAUD, ACCIDENT, MISTAKE OR EXCUSABLE NEGLIGENCE. — Appellant's Motion for Relief from Judgment is not supported by the corresponding affidavit of merit and does not allege any showing of fraud, accident, mistake or excusable negligence to serve as a valid basis of the petition. While the petition for relief was verified, it sets forth no fact or set of facts, sufficient to constitute one of the grounds for relief under Rule 38 of the Rules of Court. And as the lower court stated in the appealed order, the petition was not accompanied with an affidavit of merit. On pages 12 to 15 of the Record on Appeal, there appears an affidavit of merit subscribed by counsel of appellant. HELD: As it appears printed in the Record on Appeal after the opposition filed by appellee in which the insufficiency of the petition for relief was raised because of the absence of an affidavit of merit to support the same, it may be presumed that this affidavit was prepared to meet and solve the situation. It is, however, clearly insufficient to cure the defect of the petition, because the allegations of fact made therein do not prove either fraud, accident, mistake or excusable negligence, nor do they show a valid defense in favor of the party seeking relief.

DECISION

This is an appeal from the order of the Court of First Instance of Rizal (Branch of Quezon City) denying appellant's petition for relief from a final and executory judgment rendered on December 16, 1959 in Civil Case No. Q-4290.

It appears that on June 7, 1959, appellee filed the abovementioned case against appellant to recover possession of a parcel of land contalning an area of approximately 560 sq. meters, to have him remove his house and other constructions therefrom, and to recover the monthly sum of ₱165.00 as rental from the date he unlawfully occupied the property in April 1949, until possession thereof has been restored to appellee. Appellant filed his answer and, after trial on the merits, the Court rendered

(Continued on page 191)

SUPREME . . . (Continued from page 189)
decision in favor of appellee on October 21 of the same year. Said decision became final and executory and the corresponding writ of execution was issued on December 5, 1959. On the 16th of the same month and year, appellant filed the petition for relief mentioned heretofore, to which appellee interposed a written opposition. After a hearing on the petition, the Court denied the same because it did "not comply with the provisions of the Rules of Court with respect thereto. Besides, the said Motion for Relief from Judgment is not supported by the corresponding affidavit of merit and does not allege any showing of fraud, accident, mistake or excusable negligence to serve as a valid basis of the petition."

The order appealed from must be affirmed.

While the petition for relief was verified, it sets forth no fact or set of facts sufficient to constitute one of the grounds for relief under Rule 38 of the Rules of Court. And as the lower court stated in the appealed order, the petition was not accompanied with an affidavit of merit.

We notice, however, that on pages 12 to 15 of the Record on Appeal, there appears an affidavit of merit subscribed by Cornelio Ruperto, counsel for appellant in this case, as well as in Civil Case No. Q-4290. As it appears printed after the opposition filed by appellee in which the insufficiency of the petition for relief was raised because of the absence of an affidavit of merit to support the same, it may be presumed that this affidavit was prepared to meet and solve the situation. It is, however, clearly insufficient to cure the defect of the petition, because the allegations of fact made therein do not prove either fraud, accident, mistake or excusable negligence, nor do they show a valid defense in favor of the party seeking relief.

WHEREFORE, the order appealed from is affirmed, with costs.

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

Labrador, J., Took no part.

E R R A T A TO APRIL, 1963 ISSUE

Insert the phrase "provision prohibiting" after the word "constitutional" on p. 98 left side 9th line from the top.

Insert the phrase "and to remain in power" after the word "power" on p. 98, right side last line.

On p. 100, omit the last two lines on the right side of the page except the word "equal,".

Insert the sentence "counsel for plaintiff sent to the GSIS through the manager" after the word "property" on p. 103 in the case of Francisco vs. GSIS, left side 8th line from the bottom.

Omit in the same case, same page, the phrase "to the GSIS through the manager plaintiff sent" in the last two lines on the left side of the page.

In the same case on p. 104, left side, omit the phrase "and the actual price" on the 13th line from the bottom of the page.

In the same case on p. 104, left side, omit the phrase "in Art. 2203 of the Civil Code, such absence is" after the word "enumerated" in the 11th line from the top of the left side of the page.

Insert the word "no" after "that" onp. 108, left side, on the 19th line from the bottom.

On p. 122 after the word "motion" on the left side of the page, 5th line from the top, insert the phrase "is necessary and without proof of service thereof, a motion".