Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

ROSE HANA ANGELES, doing business under the name and style [of] LAS MARIAS GRILL AND RESTAURANT[,] and ZENAIDA ANGELES[,] doing business under the name and style [of] CAFÉ TERIA BAR AND RESTAURANT, *Petitioners,* - versus - **FERDINAND M. BUCAD, CHARLESTON A. REYNANTE, BERNADINE B. ROAQUIN, MARLON A. OMPOY, RUBEN N. LAROZA, EVANGELINE B. BUMACOD, WILMA CAINGLES, BRIAN OGARIO, EVELYN A. BASTAN, ANACLITO A. BASTAN, MA. GINA BENITEZ, HERMINIO AGSAOAY, NORBERTO BALLASTEROS, DEMETRIO L. BERDIN, JR., JOEL DUCUSIN, JOVY R. BALATA, and MARIBEL ROAQUIN,** *Respondents.*	**G.R. No. 196249** Present: CARPIO, *Chairperson,* BRION, DEL CASTILLO, PEREZ, *and* PERLAS-BERNABE, *JJ.* Promulgated: JUL 21 2014

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DECISION

DEL CASTILLO, *J.*:

This Petition for Review on *Certiorari*[1] assails the November 30, 2010

[1] *Rollo*, pp. 3-33.

Decision[2] and March 22, 2011 Resolution[3] of the Court of Appeals (CA) in CA-G.R. SP No. 109083, which affirmed, with modification, the December 28, 2007 Decision[4] and March 30, 2009 Resolution[5] of the National Labor Relations Commission (NLRC) in NLRC CASE CA No. 026347-00.[6]

Factual Antecedents

The facts, as summarized by the appellate court, are as follows:

> This Petition for *Certiorari* has its precursor in the consolidated *Complaints for Illegal Dismissal and Money Claims* filed by x x x respondents against petitioners Las Marias Grill and Restaurant and Café Teria Bar and Restaurant, single proprietorships owned by petitioners Rose Hana Angeles and Zenaida Angeles, respectively.
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> x x x [R]espondents bewailed that they were underpaid workers employed on various dates [for] the following positions, *viz*:

"Name	Date Hired	Position	Daily Rate	Date Dismissed
1. Ferdinand Bucad	4-30-97	Manager	₱7,000.00/month	1-31-2000
2. Charleston Reynante	9-1-98	Supervisor	₱ 130.00	1-31-2000
3. Bernardine[7] Roaquin	9-7-99	Cook/helper	60.00	still employed
4. Marlon Ompoy	4-1-99	Driver	75.00	still employed
5. Ruben Laroza	8-6-99	Janitor	60.00	2-4-2000
6. Evangeline Bumacod	10-10-99	Stock clerk	70.00	still employed
7. Wilma Caingles	5-19-99	Waitress	70.00	7-1-99
	9-7-99	-do-	70.00	still employed
8. Brian Ogario	5-19-99	Waiter	70.00	2-19-2000
9. Joel Ducusin	1-1-2000	Dishwasher	170.00	1-17-2000
10. Evelyn A. Bastan	7-29-96	Stock clerk	105.00	5-8-99 resigned
11. Anacleto[8] Bastan	8-10-97	Helper Cook	80.00	5-8-98 resigned
12. Ma. Gina Benitez	1-13-96	Waitress/Cashier	83.33	10-20-98 resigned
	10-7-99	-do-	83.33	4-6-2000
13. Herminio Agsaoay	11-24-99	Dishwasher	60.00	presently employed
14. Norberto Ballesteros[9]	8-6-99	Cook helper	60.00	2-4-2000
15. Demetrio Berdin, Jr.	2-22-97	-do-	100.00	Oct. 99
16. Jovy R. Balanta[10]	9-22-99	Waitress	60.00	10-31-99 resigned
17. Maribel Roaquin	9-22-99	-do-	60.00	still employed"

> The employees hurled, *inter alia*, a litany of charges against petitioners, namely: 1) payment of salaries below the minimum wage and which were oftentimes paid after much delay; 2) non-coverage under the Social Security System (SSS); 3) termination from employment without giving just benefits despite long service; 4) signing of blank payroll without indicating the amount;

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2 Id. at 35-44; penned by Associate Justice Japar B. Dimaampao and concurred in by Presiding Justice Andres B. Reyes, Jr. and Associate Justice Jane Aurora C. Lantion.

3 Id. at 46-47.

4 CA *rollo*, pp. 29-33; penned by Presiding Commissioner Gerardo C. Nograles and concurred in by Commissioners Perlita B. Velasco and Romeo L. Go.

5 Id. at 47-48.

6 Also referred to as NLRC CA No. 025347-00 in some parts of the records.

7 Also referred to as Bernadine in some parts of the records.

8 Also referred to as Anaclito in some parts of the records.

9 Also referred to as Ballasteros in some parts of the records.

10 Also referred to as Balata in some parts of the records.

and, 5) non-payment of night differential, holiday pay, COLA, commutation pay for sick leave and annual leave, 13th month pay and service charges.

x x x [R]espondents likewise charged petitioners with enforcing long hours of service so that stay-in employees rendered a minimum of 10 hours of work while stay-out employees were required to work for a minimum of 9 hours. They avowed that petitioners heaped verbal abuses upon them, and worse, maltreated them by splashing water to wake them up when anyone fell asleep at work. Petitioners forced sick employees to go home to their respective provinces despite their illness. They professed that petitioners failed to provide them security of tenure but only private respondents Joel Ducusin x x x, Ma. Gina Benitez x x x and Demetrio Berdin, Jr. x x x sued for illegal dismissal.

In the midst of these imputations, petitioners offered not a tinge of explanation as they failed to submit their *Position Paper*.

Ensuingly, the Labor Arbiter rendered a *Decision* dated 30 June 2000 plowing solely through the submissions of the x x x respondents, *viz* –

> "WHEREFORE, the (petitioner) Zenaida Angeles, doing business under the name and style (of) Las Marias Grill and Restaurant is hereby adjudged guilty of illegal dismissal with respect to (respondents) Joel Ducusin, Ma. Gina Benitez and Demetrio Berdin, Jr. and is hereby ordered to pay their backwages computed from the time they were illegally dismissed on January 17, 2000, April 6, 2000 and October 1999 respectively up to the date of this Decision and separation pay of one-month salary for every year of service in lieu of reinstatement considering the strained relationship that exists between the parties; salary differentials; overtime pay; premium pay for holidays and rest days; night shift differentials; 13th month pay; service incentive leave pay; unpaid salaries of complainant Jovy Balanta for the month of October 1999, summarized as follows:

Name	
1. Ferdinand M. Bucad	₱ 19,250.00
2. Charleston A. Reynante	143,199.98
3. Bernadine B. Roaquin	76,240.01
4. Marlon A. Ompoy	182,515.03
5. Ruben N. Laroza	45,247.96
6. Evangeline B. Bumacod	66,465.10
7. Wilma Caingles	73,499.39
8. Brian Ogario	64,298.90
9. Joel Ducusin	37,717.33
10. Evelyn A. Bastan	114,790.57
11. Anacleto A. Bastan	38,801.68
12. Ma. Gina Benitez	130,070.88
13. Herminio Agsaoay	65,191.25
14. Norberto Ballesteros	30,767.55
15. Demetrio L. Berdin, Jr.	150,967.56
16. Jovy R. Balanta	9,624.87
17. Maribel B. Roaquin	38,472.65
Total	₱1,287,120.71

The Computation Sheet is hereto attached and forms part of this Decision.

All other claims are hereby Denied for lack of merit.

SO ORDERED."

Aggrieved, petitioners seasonably appealed to the National Labor Relations Commission ("NLRC") flatly denying the charges against them. They were surprised to discover that their former counsel did not file any pleading in their behalf to refute x x x respondents' accusations.

Petitioners theorized that the *Complaints* were instigated by x x x respondent Ferdinand Bucad ("Bucad"), restaurant manager of petitioner Las Marias Grill and Restaurant ("Las Marias"). Bucad had been performing unsatisfactorily prompting management to conduct an inquiry as to his performance. Bucad feared that the results of the investigation might implicate him so he convinced his fellow employees to fabricate baseless inculpations against their employers.

Petitioners proceeded to proffer documentary evidence against each of the x x x respondents. Bucad was given a notice to explain certain violations he had allegedly committed. He answered and explained his side but the management decided to conduct a hearing giving him the opportunity to adduce his evidence. He replied that he would not attend the investigation for he had already sought recourse before the Labor Arbiter which scheduled the hearing on 28 January 2000. With Bucad's absence on the day of the investigation, petitioners sent him a *Notice of Termination* dated 31 January 2000.

Petitioners adduced the same documentary evidence with respect to x x x respondents Charleston Reynante ("Reynante"), Brian Ogario, and Marlon Ompoy, to wit: the notice to explain, notice of hearing and of termination. Petitioners likewise propounded documentary evidence to prove that x x x respondents Ruben Laroza, Marvin Ballesteros, Evangeline Bumacod, and Maribel Roaquin were probationary employees whose employment were terminated only after they were served notices of their respective violations.

As for x x x respondents Bernadine Roaquin ("Roaquin") and Albert Agsaoay ("Agsaoay"), petitioners insisted they voluntarily resigned from their posts. Roaquin signed a *Release, Waiver and Quitclaim* while Agsaoay signed a *Certification* to confirm that he received his salary and benefits and had no complaints against petitioners. Along the same strain, petitioners presented the respective *Sinumpaang Salaysay* of one Melba Pacheca and Nida Bahe. They were the employees who averred that Berdin likewise resigned when he was caught surreptitiously taking food out of the kitchen for his girlfriend.

The *Sinumpaang Salaysay* of a certain Lando Villanueva, another employee, affirmed that x x x respondent Ma. Gina Benitez ("Benitez") was caught sleeping with x x x respondent Reynante at the workers' quarters, in violation of management rules. The couple immediately left their jobs, but returned a year later beseeching petitioners to accept them back. Petitioners took pity on them giving Reynante a job albeit there was no vacancy at that time, and allowing the couple to live in the workers' quarters. When Reynante's employment was terminated on 31 January 2000, Benitez went with him

voluntarily and left her job.

Petitioners then claimed that x x x respondents-spouses Evelyn and Anacleto Bastan had a misunderstanding with their co-employees. They decided to leave their posts, despite the management's pleas for them to stay.

Still and all, the NLRC remained unperturbed and dismissed the *Appeal* in the assailed *Decision* dated 28 December 2007. Petitioners moved for reconsideration thereof but obtained no favorable relief in the challenged *Resolution* dated 30 March 2009.[11]

Ruling of the National Labor Relations Commission

In dismissing the petitioners' Appeal, the NLRC held in its December 28, 2007 Decision that –

After considering the arguments presented by the respondents[12] in their memorandum of appeal, it appears that the respondents failed to submit sufficient evidence to compel Us to reverse the findings of the Labor Arbiter. There is no substantial proof presented that the money claims were paid to the complainants.[13] The best evidence of such payment is the payroll, whereas in this case, respondents merely allege payment.

Moreover, respondents indirectly admit that they give less than the statutory benefits to the employees on the ground that the latter were provided facilities computed in the amount of [P]75.00 per day x x x and for advances and transportation expenses x x x. Article 97[f] of the Labor Code provides that wages include the fair and reasonable value of board and lodging or other facilities customarily provided by the employer to the employee. It is also well-settled that in deducting the value of facilities from the employees' wages, three (3) requirements must first be complied with, to wit: 1) proof must be shown that such facilities are customarily furnished by the trade; 2) the provision of deductible facilities must be voluntarily accepted in writing by the employee; finally, 3) facilities must be charged at fair and reasonable value (Mabeza vs. NLRC, et al., G.R. No. 118506, April 18, 1997). In this case, there is no showing that these requirements were complied with by the respondents before deductions were made from the employees' wages. Respondents failed to prove that such deductions were voluntarily accepted in writing by the employees and that these were customarily furnished by the trade. As such, deduction [from] the salaries is erroneous.

Anent the issue of payment of backwages, the same is proper considering that the complainants were terminated without proof that their termination was with just cause and after observance of due process.

WHEREFORE, premises considered, the appeal is DISMISSED for lack of merit, and the Decision of the Labor Arbiter dated June 30, 2000 is hereby AFFIRMED.

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11 *Rollo*, pp. 35-40.
12 Herein petitioners.
13 Herein respondents.

SO ORDERED.[14]

Petitioners filed a Motion for Reconsideration[15] of the above decision, but the NLRC denied the same via its March 30, 2009 Resolution.[16]

Ruling of the Court of Appeals

Respondents went up to the CA *via* an original Petition for *Certiorari*[17] questioning the above pronouncements of the NLRC. On November 30, 2010, the CA issued the assailed Decision, decreeing as follows:

> WHEREFORE, the *Decision* dated 28 December 2007 and *Resolution* dated 30 March 2009 of the National Labor Relations Commission are AFFIRMED with MODIFICATION in that (1) the ruling that private respondents Ma. Gina Benitez and Demetrio Berdin, Jr. were illegally dismissed is VACATED; and (2) the awards of backwages and separation pay to private respondents Ma. Gina Benitez and Demetrio Berdin, Jr. are DELETED.
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> SO ORDERED.[18]

The CA held that contrary to petitioners' submission in their Petition, there is no proof that herein respondent Joel Ducusin (Ducusin) – who petitioners claimed hatched the plan to harass them through the filing of labor complaints – abandoned his employment. On the contrary, Ducusin's immediate filing of the labor complaint indicated that he did not abandon his employment; it characterizes him as one who deeply felt wronged by his employer.

With regard to respondents Ma. Gina Benitez (Benitez) and Charleston A. Reynante, however, the CA believed that based on the evidence, they voluntarily left their jobs in 1998 when they were caught by management having an illicit affair. This showed that they abandoned their employment, which does not entitle Benitez to an award of backwages and separation pay.

The CA further held that petitioners did not commit illegal dismissal with respect to respondent Demetrio L. Berdin, Jr. (Berdin), since Berdin resigned from his position on September 25, 1999 after management caught him sneaking food out for his girlfriend. There is thus no ground for awarding Berdin backwages and separation pay as well.

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14 CA *rollo*, pp. 31-32.
15 Id. at 34-45.
16 Id. at 47-48.
17 Id. at 3-27.
18 *Rollo*, p. 44. Italics in the original.

On the issue of money claims, the CA ruled that apart from bare allegations of payment, petitioners have not satisfactorily shown – by adequate documentary evidence which should be in its custody and possession – that the salaries, benefits and other claims due to the respondents have been accordingly paid; that petitioners failed to discharge the burden of proving payment; that their defense that the relevant payroll and daily time records were stolen constitutes a lame excuse which cannot excuse them from proving that they have paid what they owed respondents.

Petitioners filed a Motion for Partial Reconsideration,[19] but in its assailed March 22, 2011 Resolution, the CA stood its ground. Thus, the instant Petition.

Issue

Petitioners submit that the CA committed the following error:

> THE HONORABLE COURT OF APPEALS ERRED IN CONCLUDING THAT PRIVATE RESPONDENT JOEL DUCUSIN WAS ILLEGALLY TERMINATED AND THAT PETITIONERS HAVE FAILED TO OVERCOME THE BURDEN OF PAYMENT OF THE MONEY CLAIMS OF PRIVATE RESPONDENTS.[20]

Petitioners' Arguments

In their Petition and Reply,[21] petitioners insist that Ducusin abandoned his employment when he chose not to report for work after January 15, 2000, after having worked with petitioners for only two weeks; that it was only upon Bucad's instigation that Ducusin and the other respondents filed unfounded labor complaints against petitioners – and not because they actually felt wronged; that in the first place, Ducusin has not shown that he was terminated – which is a prerequisite to a claim of illegal dismissal; that being a stay-in employee, Ducusin's failure to report for work and his having left his quarters bolster the theory of abandonment; and that Ducusin's filing of a labor complaint does not necessarily negate abandonment, per this Court's ruling in *Leopard Integrated Services, Inc. and/or Poe v. Macalinao*.[22]

With respect to the awards on respondents' money claims, petitioners maintain that they have paid what is due and owing to the respondents, and that the Labor Arbiter, the NLRC, and the CA awarded more than what was being claimed. Petitioners direct the Court's attention to pieces of documentary evidence

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19 CA *rollo*, pp. 440-453.
20 *Rollo*, p. 15.
21 Id. at 263-271.
22 588 Phil. 495 (2008).

attached to their Memorandum of Appeal[23] with the NLRC – consisting of daily time records, cash vouchers, signed receipts for the payment of 13th month pay, SSS records, releases and quitclaims, and computation of monetary claims[24] – supposedly indicating that they have settled their pecuniary obligations to respondents. Petitioners claim that the CA failed to appreciate such evidence, which led the appellate court to an erroneous conclusion.

Petitioners thus pray for the reversal of the assailed dispositions, as well as a declaration that Ducusin was legally terminated and the deletion of the monetary awards in favor of respondents.

Respondents' Arguments

In their Comment,[25] respondents simply point out that petitioners do not present valid reasons that would warrant a reversal; that petitioners have not sufficiently shown that indeed, Ducusin abandoned his job; and that the CA is correct in finding that petitioners failed to discharge the burden of proving that respondents have been paid their monetary claims.

Our Ruling

The Court affirms.

The petitioners would have this Court resolve issues which require a re-evaluation of the evidence; issues of fact relating to the dismissal of their employees – respondent Ducusin particularly – and the computation of monetary claims, which have been passed upon by the Labor Arbiter, the NLRC, and the CA.

What must be realized, however, is that this Court is not a trier of facts. "[T]he jurisdiction of the Supreme Court in cases brought before it from the CA *via* Rule 45 of the 1997 Rules of Civil Procedure is generally limited to reviewing errors of law. This Court is not a trier of facts. In the exercise of its power of review, the findings of fact of the CA are conclusive and binding and consequently, it is not our function to analyze or weigh evidence all over again."[26] This principle applies with greater force in labor cases, where this Court has

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23 *Rollo*, pp. 52-101.

24 Id. at 112-115, 167-203, 208, 212-215, 219-220, 224-229.

25 Id. at 252-260.

26 *Best Wear Garments v. De Lemos*, G.R. No. 191281, December 5, 2012, 687 SCRA 355, 363; also, *Samar-Med Distribution v. National Labor Relations Commission*, G.R. No. 162385, July 15, 2013, 701 SCRA 148, 158-159; *Co v. Vargas*, G.R. No. 195167, November 16, 2011, 660 SCRA 451, 458; *National Union of Workers in the Hotel Restaurant and Allied Industries (NUWHRAIN-APL-IUF) Dusit Hotel Nikko Chapter v. Court of Appeals (Former 8th Div.)*, 591 Phil. 570, 585 (2008).

consistently held that findings of fact of the NLRC are accorded great respect and even finality,[27] especially if they coincide with those of the Labor Arbiter and are supported by substantial evidence.[28] "Judicial review by this Court does not extend to a reevaluation of the sufficiency of the evidence upon which the proper labor tribunal has based its determination."[29] Factual issues are beyond the scope of this Court's authority to review on *certiorari*.[30]

Moreover, "[f]actual findings of administrative bodies charged with their specific field of expertise, are afforded great weight by the courts, and in the absence of substantial showing that such findings were made from an erroneous estimation of the evidence presented, they are conclusive, and in the interest of stability of the governmental structure, should not be disturbed."[31]

Likewise, the Petition fails in light of the Labor Arbiter's and the NLRC's identical findings, which were affirmed by the CA.[32] The consistent rebuff of petitioners' position convinces this Court of the weakness of their arguments. This can only mean that their evidence – which is merely reiterated here for the fourth time – will not stand scrutiny by this Court, since it could not even convince the NLRC and CA to take a view contrary to that taken by the Labor Arbiter.

Finally, there exists serious doubt with respect to petitioners' proffered evidence, considering that the relevant payroll and daily time records are missing as they were, according to petitioners, stolen. Setting aside for a moment the CA's pronouncement that the "stolen records" angle is nothing but a lame excuse, it would nonetheless be difficult if not impossible to validate and reconcile petitioners' documentary evidence and unilateral claims of payment, if the official payroll and daily time records are not taken into account. Without them, there could be no sufficient basis for this Court to overturn the assailed Decision; the Court can only rely on the findings of the Labor Arbiter, the NLRC, and the CA.

> x x x **The purpose of a time record is to show an employee's attendance in office for work and to be paid accordingly, taking into account the policy of "no work, no pay"**. A daily time record is primarily intended to prevent damage or loss to the employer, which could result in instances where it pays an employee for no work done; it is a mandatory requirement for inclusion in the payroll, and in the absence of an employment agreement, it constitutes evidence of employment.[33] (Emphasis supplied)

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27 *Ropali Trading Corporation v. National Labor Relations Commission*, 357 Phil. 314, 317-318 (1998).

28 *New City Builders, Inc. v. National Labor Relations Commission*, 499 Phil. 207, 212 (2005).

29 *Aujero v. Philippine Communications Satellite Corporation*, G.R. No. 193484, January 18, 2012, 663 SCRA 467, 485.

30 *Abella v. People*, G.R. No. 198400, October 7, 2013.

31 *Sugar Regulatory Administration v. Tormon*, G.R. No. 195640, December 4, 2012, 686 SCRA 854, 867.

32 See *Malayang Manggagawa ng Stayfast Phils., Inc. v. National Labor Relations Commission*, G.R. No. 155306, August 28, 2013, 704 SCRA 24, 41.

33 *Ang v. San Joaquin*, G.R. No. 185549, August 7, 2013, 703 SCRA 269, 287.

> x x x The punching of time card is undoubtedly work related. It signifies and records the commencement of one's work for the day. It is from that moment that an employee dons the cape of duties and responsibilities attached to his position in the workplace. **It is the reckoning point of the employer's corresponding obligation to him – to pay his salary and provide his occupational and welfare protection or benefits.** x x x[34] (Emphasis supplied)

What "daily time records" petitioners refer to in this Petition pertain to the supposed attendance record of several of the respondents, which however do not contain the latter's respective signatures and those of their superiors. They appear to be incomplete as well; indeed, some are barely readable.[35] They can hardly be considered proof sufficient enough for this Court to consider.

If petitioners believe that they have been prejudiced, then they only have themselves to blame, for not offering sufficient proof to prove their case. For their blunder, they may not expect this Court to resort to unnecessary factual nitpicking in an attempt to forestall the effects of an adverse judgment.

WHEREFORE, the Petition is **DENIED**. The November 30, 2010 Decision and March 22, 2011 Resolution of the Court of Appeals in CA-G.R. SP No. 109083 are **AFFIRMED**.

SO ORDERED.

MARIANO C. DEL CASTILLO
Associate Justice

WE CONCUR:

ANTONIO T. CARPIO
Associate Justice
Chairperson

ARTURO D. BRION
Associate Justice

JOSE PORTUGAL PEREZ
Associate Justice

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34 *Alvarez v. Golden Tri Bloc, Inc.*, G.R. No. 202158, September 25, 2013.
35 *Rollo*, pp. 168, 213, 219-220.

ESTELA M. PERLAS-BERNABE
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ANTONIO T. CARPIO
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

MARIA LOURDES P. A. SERENO
Chief Justice