

****Title:**** Salvador Awa Inocentes, Jr., et al. v. R. Syjuco Construction, Inc. (RSCI) and Arch. Ryan I. Syjuco

****Facts:****

This case arose from a petition for review on certiorari filed by Salvador Awa Inocentes, Jr., Agapito Awa Inocentes, King Marvin Inocentes, and Dennis C. Catangui (petitioners) against R. Syjuco Construction, Inc. (RSCI) and Arch. Ryan I. Syjuco (respondents). The petitioners were engaged by RSCI for various construction projects between 2005 and 2015. Their employment was deemed co-terminous with the projects. In February and May 2016, they were called for work but failed to report. On June 9, 2016, they filed a complaint for illegal dismissal and other monetary claims. The Labor Arbiter dismissed the complaint, determining them as project employees. The National Labor Relations Commission (NLRC) partially reversed this, finding them as regular employees and granted backwages, separation pay, and damages. Respondents filed a petition for certiorari with the Court of Appeals (CA), which initially affirmed the NLRC's decision but later, on reconsideration, reversed it, reinstating the Labor Arbiter's decision.

****Issues:****

1. Whether the petition was filed out of time.
2. Whether petitioners were project-based or regular employees.

****Court's Decision:****

The Supreme Court held the petition was timely filed, considering the applicable administrative rules for computation of time. On the substantive issue, the Court ruled in favor of the petitioners, holding them as regular employees. This decision was influenced by a comparable case (G.R. No. 237020), where the Court pronounced similarly situated construction workers as regular employees, thereby deserving of employment security unless dismissed for just cause. The Court reinstated the CA's original decision with modifications, including the award of service incentive leave pay. The determinations rested on the absence of specified project-based employment contracts and the continuous nature of petitioners' work, integral to RSCI's business operations.

****Doctrine:****

1. ****Employment Regularity:**** Construction workers engaged in tasks necessary and desirable to the employer's usual business and repeatedly hired across several projects over a substantial period are considered regular employees.
2. ****Re Employment Termination:**** The mere completion of a project does not validate the

termination of regular employees without just or authorized cause under Labor Code Art. 279.

****Class Notes:****

- Employees' classification as project-based or regular affects their rights regarding job security and wrongful termination.
- The absence of a specified project duration at the time of engagement or failure to inform employees about their project-based status can transform presumed project employment into regular employment.
- A project employee becomes regular if their work is necessary and desirable to the employer's usual business and they are engaged continuously over an extended period.
- Regular employees cannot be terminated without just or authorized cause and without due process.
- Failure to file DOLE report on project completion and non-payment of completion bonuses suggest regular employment.

****Historical Background:****

This decision reflects the Philippine judiciary's evolving approach to labor rights, particularly in recognizing the security of tenure for workers in industries traditionally dominated by project-based employment. It underscores a heightened scrutiny on the realities of employment practices against formal classifications, aiming to protect workers against circumvention of labor rights.