

****Title:**** Henry T. Paragele, et al. vs. GMA Network, Inc.: Regularization of Employees Performing Necessary and Desirable Functions

****Facts:****

A consolidated Complaint for regularization was initially filed by Henry T. Paragele and 34 other petitioners (collectively, “petitioners”), which was later converted into a complaint for “illegal dismissal, non-payment of salary/wages, and regularization” against GMA Network, Inc. (“GMA”). The petitioners asserted that they were regular employees of GMA, as they were hired on various dates from as early as 2000 and dismissed in May 2013, and thus, entitled to regularization, having performed functions necessary and desirable to GMA’s business as a television and broadcasting company.

The case progressed through the legal system beginning with a dismissal by the Labor Arbiter due to an alleged failure to prove an employer-employee relationship, followed by an appeal to the National Labor Relations Commission (NLRC), which recognized the existence of such a relationship for one petitioner, Lazaro, due to the duration of his service but denied the status of regular employment to the rest. A subsequent Petition for Certiorari filed with the Court of Appeals was also dismissed, upholding the decision of the NLRC that the petitioners were not regular employees due to not meeting a supposed one-year service requirement for regularization.

The petitioners then elevated the case to the Supreme Court, contesting the appellate court’s decision and seeking recognition as regular employees entitled to security of tenure and remedies for their illegal dismissal.

****Issues:****

1. Whether an employer-employee relationship existed between the petitioners and GMA.
2. Whether the petitioners were regular employees of GMA.
3. Assuming regular employment status, whether the petitioners were illegally dismissed.

****Court’s Decision:****

The Supreme Court granted the petition, reversing the decisions of both the Court of Appeals and the NLRC. It established that:

1. An employer-employee relationship existed, as evidenced by the engagement, compensation, power of dismissal, and control over the work of the petitioners by GMA.

2. The petitioners were regular employees from the time of engagement because their work as camera operators was necessary and desirable to GMA's usual business.
3. The petitioners were illegally dismissed as their termination was not for just or authorized causes and violated their right to security of tenure.

****Doctrine:****

The Court reiterated the doctrine that employees who perform functions necessary and desirable to the usual business of the employer are considered regular employees from the time of their engagement. It emphasized that the standard one-year service requirement for regularization under Article 295 of the Labor Code applies only to casual employees, not those performing essential functions.

****Class Notes:****

1. Four-fold test of employment: Hiring by the employer, payment of wages, power of dismissal, and, most importantly, the employer's control over the employee's conduct of work.
2. Regular employment is determined by the necessity and desirability of an employee's work in relation to the business or trade of the employer, not by a fixed duration of employment.
3. Employees engaged to perform work necessary and desirable to the employer's business are regular employees, entitled to security of tenure from the time of engagement.
4. The burden of proof in illegal dismissal cases lies on the employer to establish the legality of the employee's dismissal based on just or authorized causes.

****Historical Background:****

This case reflects evolving jurisprudence on labor rights and the regularization of employees in the Philippines. It underscores the judicial system's recognition of workers' rights to security of tenure and protection against unjust dismissal, especially in industries where contractualization and flexible work arrangements are prevalent. This decision is a significant affirmation of labor rights, particularly the right to regularization for employees performing necessary and desirable functions in their employer's usual business or trade.