

**\*\*Title:\*\*** Atienza v. Saluta

**\*\*Facts:\*\***

Noel Sacramento Saluta (respondent) filed a complaint against Celia R. Atienza (petitioner) and CRV Corporation for illegal dismissal and other labor-related claims. Respondent alleged he was hired as a driver by CRV Corporation in May 2012 with a monthly salary of Php 9,000. On December 11, 2014, he had a vehicular accident and the damages were initially covered by the company but were to be deducted from his salary. After failing to report to work on December 24, 2014, due to the renewal of his driver's license, he was told by petitioner that their employment relationship should end. Subsequently, the general manager of CRV Corporation also confirmed his termination. Respondent then filed his complaint.

Petitioner contended that respondent was her personal driver and abandoned his job without permission. The Labor Arbiter ruled in favor of petitioner, stating he was a personal driver not covered by the Labor Code but the Civil Code. On appeal, the NLRC reversed this, ruling that respondent was a company driver and declared he was illegally dismissed. The Court of Appeals affirmed the NLRC's decision but mandated petitioner and CRV Corporation to pay respondent his monetary claims.

**\*\*Issues:\*\***

1. **\*\*Existence of Employer-Employee Relationship:\*\*** Whether respondent was a company driver employed by CRV Corporation or a personal driver hired by petitioner.
2. **\*\*Illegal Dismissal:\*\*** Whether respondent was illegally dismissed from his employment or abandoned his job.
3. **\*\*Entitlement to Monetary Claims:\*\*** Whether respondent is entitled to full backwages, separation pay, wage differentials, holiday pay, 13th month pay, and service incentive leave pay.

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

1. **\*\*Existence of Employer-Employee Relationship:\*\*** The Supreme Court ruled that respondent did not establish by substantial evidence that he was a company driver for CRV Corporation. No competent evidence such as an employment contract, company ID, or payroll inclusion was presented. Therefore, the Court upheld the Labor Arbiter's finding that respondent was the personal/family driver of petitioner.

2. **Illegal Dismissal:** The Court found that respondent failed to present substantial evidence that he was dismissed by the petitioner. His claim of verbal termination was not corroborated by any other evidence. The refusal to release his salary was not sufficient proof of dismissal.

3. **Abandonment of Work:** The Court ruled that respondent did not abandon his work. No clear intention from respondent to sever the employer-employee relationship was proven. His filing of the illegal dismissal case itself was incompatible with abandonment of employment.

4. **Monetary Claims:** Since respondent was considered a personal/family driver, his rights were governed by the Civil Code, not the Labor Code. The monthly salary of Php 9,000 was reasonable. As a personal driver, he was not entitled to holiday pay, 13th month pay, or service incentive leave pay.

**Doctrine:**

The case underscored the importance of substantial evidence to prove the existence of an employer-employee relationship and the necessity for clear, positive, and convincing evidence to substantiate an allegation of dismissal. For personal/family drivers, working conditions and remedies for unjust termination are governed by the Civil Code rather than the Labor Code.

**Class Notes:**

1. **Employer-Employee Relationship:** Key elements include the selection and engagement of the employee, payment of wages, power of dismissal, and control over the work performed.
2. **Burden of Proof in Illegal Dismissal:** Falls on the employee to establish the fact of dismissal and then shifts to the employer to prove that dismissal was for a valid or authorized cause.
3. **Personal Service Exemptions:** Personal or family drivers are not entitled to benefits under the Labor Code but are governed by the Civil Code provisions on household service.
4. **Substantial Evidence:** A requirement in labor cases to establish claims and allegations. Mere assertions are insufficient.

**Historical Background:**

The resolution of *Atienza v. Saluta* is set against the backdrop of evolving labor law standards in the Philippines, highlighting the distinctions between employment

classifications and applicable labor protections. The case further clarifies the statutory and case law interpretations concerning the employment terms of family drivers, particularly post-enactment of the “Kasambahay Law,” which delineates between various forms of domestic help.