

**\*\*Title: Bitoy Javier (Danilo P. Javier) vs. Fly Ace Corporation/Flordelyn Castillo\*\***

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

- On May 23, 2008, petitioner Bitoy Javier filed a complaint before the National Labor Relations Commission (NLRC) alleging underpayment of salaries and other labor standard benefits from his employment with Fly Ace Corporation since September 2007. Javier claimed he was tasked with various duties at Fly Ace's warehouse including cleaning and arranging canned items, and occasionally accompanying delivery vehicles as a helper (pahinante).
- Javier reported for work Monday to Saturday, 7:00 AM to 5:00 PM. He claimed he never received an ID card or payslips from the company.
- On May 6, 2008, Javier was denied entry to the company premises by the security guard on orders from his superior, Ruben Ong. Javier learned from his daughter that Ong had prohibited his entry because Ong's romantic advances towards her were rebuffed.
- Javier claimed he was terminated without notice or the opportunity to contest the termination. An affidavit from Bengie Valenzuela supported that Javier worked for Fly Ace from September 2007 to January 2008.
- Fly Ace argued that Javier was contracted as an extra helper on a "pakyaw" (per-trip basis) only 5-6 times a month whenever their regular trucks were unavailable, thus denying an employer-employee relationship.

**\*\*Procedural Posture:\*\***

1. **\*\*Labor Arbiter (LA):\*\*** On November 28, 2008, the LA dismissed Javier's complaint due to lack of evidence proving his status as a regular employee, highlighting the absence of an employee ID, benefits accorded to regular employees, and addressing his work with the company's contracted hauler.
2. **\*\*National Labor Relations Commission (NLRC):\*\*** In an appeal (NLRC LAC No. 02-000346-09(8)), the NLRC reversed the LA's decision on May 28, 2009, holding that Javier was a regular employee due to the regularity and necessity of his work related to Fly Ace's business, finding the termination unlawful and awarding backwages and separation pay.
3. **\*\*Court of Appeals (CA):\*\*** On March 18, 2010, CA overturned the NLRC's decision, stating Javier did not substantiate the employer-employee relationship adequately. It reinstated the LA's decision dismissing the complaint.

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

1. **\*\*Was Javier a regular employee of Fly Ace?\*\*\***
2. **\*\*Is Javier entitled to monetary claims consisting of backwages, separation pay, and**

unpaid 13th-month pay?\*

**Court's Decision:**

- **Regular Employment Issue:** The Supreme Court upheld the CA's determination that Javier failed to substantiate his claim of an employer-employee relationship with Fly Ace. The evidence presented, mainly consisting of self-serving statements and a single supporting affidavit, was insufficient. Key criteria such as the control test and substantiality of evidence were not satisfied to establish that Javier was a regular employee.
- **Monetary Claims Issue:** Since the court found no employer-employee relationship, the claim for monetary benefits did not prosper.

**Doctrine:**

- **Employer-Employee Relationship Test:** The court reiterated that determining an employer-employee relationship involves the selection and engagement of the employee, payment of wages, power of dismissal, and control over the employee's conduct. The most crucial test among these is the control test.
- **Burden of Proof:** The burden of establishing an employer-employee relationship lies on the complainant, which must be substantiated by substantial evidence.

**Class Notes:**

- **Key Elements in Labor Cases:**
- **Four-fold Test:** (1) Selection and engagement of the employee; (2) payment of wages; (3) power of dismissal; (4) power to control the employee's conduct.
- **Control Test:** The employer's ability to control not only the result but also the means and method of accomplishing the work.
- **Substantial Evidence:** The necessity of substantial evidence to support claims in labor disputes.

**Historical Background:**

- The case is set against the backdrop of robust labor protections enshrined in the Philippine Constitution and labor laws that favor security of tenure and fair treatment for workers. Despite such doctrines, the courts maintain a balanced approach ensuring that baseless claims are not upheld merely on presumptions of bias towards workers.