

Title: **Exodus International Construction Corporation v. Biscocho et al.**

Facts:

1. **February 1, 1999** - Exodus International Construction Corporation obtained a contract from Dutch Boy Philippines, Inc. to paint Imperial Sky Garden.
2. **July 28, 1999** - Another contract was awarded to Exodus for the painting of Pacific Plaza Towers.
3. **Dates of Employment** - Respondents Guillermo Biscocho, Fernando Pereda, Ferdinand Mariano, Gregorio Bellita, and Miguel Bobillo were hired as painters on various dates with daily wages ranging from Php 220.00 to Php 235.00.
4. **Assignments** - Initially assigned to the Imperial Sky Garden and Pacific Plaza Towers projects, the respondents were transferred between projects over time.
5. **November 27, 2000** - Guillermo, Fernando, Ferdinand, and Miguel filed a complaint for illegal dismissal and non-payment of several employee benefits.
6. **December 1, 2000** - Gregorio filed a similar complaint.
7. **Petitioners' Denial** - Exodus and Antonio Javalera denied the dismissal allegations, attributing absences to abandonment.
8. **Labor Arbiter Decision (March 21, 2002)** - Found no illegal dismissal but ordered reinstatement without backwages and awarded certain monetary claims.
9. **NLRC Ruling (January 17, 2003)** - Affirmed the Labor Arbiter's decision and added attorney's fees.
10. **Court of Appeals Decision (August 10, 2004)** - Affirmed the NLRC's findings but ordered payment of full backwages and additional monetary claims.

Issues:

1. **Existence of Illegal Dismissal** - Whether the respondents were illegally dismissed by the petitioners or if there was an abandonment of work.
2. **Monetary Claims** - Whether respondents are entitled to service incentive leave pay, 13th month pay, and holiday pay.
3. **Attorney's Fees** - Whether the award of attorney's fees was justified even if respondents were unrepresented by counsel.
4. **Solidary Liability** - Whether Antonio Javalera can be held solidarily liable with the corporation.

Court's Decision:

1. **Existence of Illegal Dismissal**:
 - **Court's Ruling**: No evidence of dismissal was presented by the respondents, thus, no

illegal dismissal occurred. The court upheld the Labor Arbiter's ruling that respondents abandoned their work after being reprimanded or seeking other employment.

2. **Monetary Claims**:

- **Court's Ruling**: Despite no illegal dismissal, respondents are still entitled to holiday pay, service incentive leave pay, and 13th month pay, which the petitioners failed to disprove.

3. **Attorney's Fees**:

- **Court's Ruling**: Award of attorney's fees was justified based on established jurisprudence that awards such fees when an employee litigates to protect his rights.

4. **Solidary Liability**:

- **Court's Ruling**: The issue of solidary liability was not extensively discussed in the final decision, focusing rather on the company's liability.

Doctrine:

- **Illegality of Dismissal Burden**: Employees must substantiate the fact of dismissal before the onus shifts to the employer to justify the dismissal.
- **Monetary Claims**: Employers in control of employment records bear the burden to disprove monetary claims filed by employees.
- **Attorney's Fees**: Recoverable when an employee is compelled to litigate due to the employer's unjustified act.

Class Notes:

1. **Illegal Dismissal Burden**:

- **Element**: Employee's burden to prove dismissal.
- **Citation**: Art. 297-298, Labor Code of the Philippines.

2. **Monetary Claims**:

- **Key Elements**: Entitlement to service incentive leave pay, 13th month pay, holiday pay.
- **Citation**: Presidential Decree No. 851 (13th month pay), R.A. No. 679 (Holiday Pay).

3. **Attorney's Fees**:

- **Principle**: Recoverable when litigation arises due to employer's fault.
- **Citation**: Art. 111, Labor Code.

Historical Background:

- **Labor Code and Worker Protection**: This case situates itself in the Philippines' long-standing effort to bolster labor rights, reflecting protections established post-Martial Law (1974 Labor Code enactment). The decision underscores the judiciary's role in balancing employer control with worker rights in a labor-intensive nation transitioning from agrarian roots to a complex economy with dynamic labor markets.