

Title: Mehitabel, Inc. v. Jufhel L. Alcuizar

Facts:

- Employment Background:** Jufhel L. Alcuizar was hired by Mehitabel, Inc. as a Purchasing Manager starting August 31, 2010.
- Work Performance Issues:** Initially earning a satisfactory rating, Alcuizar's work performance began to decline in March 2011 according to his supervisor, Rossana J. Arcenas. Complaints arose regarding his inefficiency prompting Arcenas to counsel him multiple times to improve.
- Series of Complaints:** By August 2011, complaints about Alcuizar's work performance had escalated, prompting a discussion about potential disciplinary action for gross inefficiency.
- Resignation Incident:** Alcuizar allegedly expressed his intention to resign on August 10, 2011. This claim was supported by testimonies from the HR Officer, Sherrie Mae A. Cañete, and a security guard, Wilma R. Molina.
- Response from Company:** That same day, Mehitabel, Inc. sent a letter to Alcuizar stating his action amounted to abandonment and requested him to return to work and explain his absence.
- Filing of a Labor Complaint:** Instead of responding, Alcuizar filed a complaint for illegal dismissal, non-payment of salary, 13th-month pay, damages, and attorney's fees against Mehitabel, Inc.
- Publication of Job Vacancy:** Alcuizar noted that Mehitabel, Inc. had advertised the Purchasing Manager position in May, June, and July 2011, alleging this was an indication of his impending dismissal. Mehitabel countered that this was a publishing error meant for the Purchasing Officer position.
- Labor Arbiter & NLRC Decisions:** The Labor Arbiter initially dismissed Alcuizar's complaint for lack of merit, finding no dismissal occurred. However, the NLRC reversed this decision, recognizing a dismissal occurred but with just cause, sanctioning Mehitabel for procedural due process non-observance.
- Court of Appeals Decision:** The CA reversed the NLRC ruling, declaring Alcuizar was

illegally dismissed and ordered his reinstatement with back pay and attorney's fees, finding insufficient evidence of gross inefficiency and doubting the abandonment claim.

****Issues:****

1. Whether the Court of Appeals erred in ruling that Alcuizar was illegally dismissed despite Mehitabel's claim of abandonment.
2. Whether the CA incorrectly applied the labor code, particularly on resolving doubts in favor of labor when ambiguities in evidence exist.
3. Whether Alcuizar is entitled to reinstatement, back wages, and attorney's fees.

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

1. ****Fact of Dismissal Not Established:**** The Supreme Court emphasized the need for the employee to substantiate the dismissal claim with concrete evidence. It found no overt act by Mehitabel indicating an intention to dismiss Alcuizar.
2. ****Abandonment Proven:**** The Court sided with Mehitabel's narrative that Alcuizar abandoned his job, especially with the testimonies of the HR Officer and the security guard, and his non-compliance with the return-to-work order.
3. ****CA's Misapplication of Labor Code:**** The decision found the CA's reliance on Art. 4 of the Labor Code (favoring labor) misplaced due to a lack of substantial evidence from Alcuizar's side about his dismissal.
4. ****Reinstatement of Labor Arbiter's Decision:**** The Supreme Court ultimately restored the Labor Arbiter's decision dismissing Alcuizar's complaint for lack of merit, underscoring that the burden of proof lies on the employee to establish illegal dismissal.

****Doctrine:****

- ****Burden of Proof in Illegal Dismissal:**** The employee must provide clear evidence of the fact of dismissal. Absence of such proof results in the dismissal of the complaint.
- ****Abandonment Requires Clear Indications:**** Merely filing a complaint for illegal dismissal does not negate the possibility of abandonment; other surrounding circumstances must be considered.
- ****Application of Article 4 of Labor Code:**** It requires substantial evidence of dismissals'

occurrence before doubts can be resolved in favor of labor.

****Class Notes:****

- ****Principle of Ei Incumbit Probatio:**** Emphasizes proof burden on the person who asserts, not who denies.
- ****Substantial Evidence Requirement:**** In labor cases, allegations need substantiation which affects procedural posture and evidentiary persuasion.
- ****Abandonment as a Positive Defense:**** Must be proven with overt acts from the employee evidencing a clear intention to abandon.

****Historical Background:****

The case reflects broader labor management conflicts often rooted in performance evaluation disputes and procedural due process requirements on termination under Philippine labor law, showcasing employee protection through procedural mandates while balancing employer's prerogative to discipline based on performance.